

By: Wentworth

S.B. No. 1017

A BILL TO BE ENTITLED

AN ACT

relating to the ability of a county to sue and be sued.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 89.004, Local Government Code, is amended to read as follows:

Sec. 89.004. SUIT AGAINST COUNTY; PRESENTATION OF CLAIM. (a) A county may sue or be sued, plead or be impleaded, or defend or be defended in any court. A suit brought by a county shall be brought in the name of the county, and a suit brought against a county shall identify the county by name.

(b) A person may not sue on a claim against a county unless the person has presented the claim to the commissioners court and the commissioners court has neglected or refused to pay all or part of the claim.

~~[(b)]~~ If the plaintiff in a suit against a county does not recover more than the commissioners court offered to pay on presentation of the claim, the plaintiff shall pay the costs of the suit.

SECTION 2. This Act takes effect September 1, 2003.