

By: Averitt

S.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

relating to the liability of highway, road and street contractors.

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

SECTION 1. Title 4 of the Civil Practice & Remedies Code is hereby amended by adding Chapter 94 to read as follows:

CHAPTER 94. LIABILITY OF CONTRACTORS OF HIGHWAYS, ROADS OR STREETS.

Sec. 94.001. LIMIT ON LIABILITY.

(a) A contractor who performs the construction or repair of any highway, road or street for any governmental unit is not liable for personal injury, property damage, or death to third parties resulting from or arising out of the performance of or any failure to perform the construction or repair if, at the time of such personal injury, property damage or death, the contractor is in substantial compliance with all specifications for such construction or repair required by the contracting governmental unit.

(b) A contractor who performs the construction or repair of any highway, road or street for any governmental unit may be liable for personal injury, property damage, or death to third parties resulting from or arising out of the performance of or any failure to perform the construction or repair if, at the time of such personal injury, property damage or death, the contractor is not in substantial compliance with all specifications for such

1 construction or repair required by the contracting governmental
2 unit and such failure is the proximate cause of the personal injury,
3 property damage or death to a third party.

4 SECTION 2. This Act takes effect September 1, 2003, and
5 applies to a cause of action that accrues on or after that date. An
6 action that accrued before the effective date of this Act is
7 governed by the law in effect at the time the action accrued, and
8 that law in continued in effect for that purpose.