

1-1 By: Averitt S.B. No. 1432  
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read  
1-3 first time and referred to Committee on Infrastructure Development  
1-4 and Security; May 12, 2003, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;  
1-6 May 12, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1432 By: Deuell

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the liability of certain highway, road, and street  
1-11 contractors.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 97, Civil Practices and Remedies Code,  
1-14 is amended by adding Section 97.002 to read as follows:

1-15 Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD,  
1-16 AND STREET CONTRACTORS. A contractor who constructs or repairs a  
1-17 highway, road, or street for the Texas Department of Transportation  
1-18 is not liable to a claimant for personal injury, property damage, or  
1-19 death arising from the performance of the construction or repair  
1-20 if, at the time of the personal injury, property damage, or death,  
1-21 the contractor is in compliance with contract documents material to  
1-22 the condition or defect that was the proximate cause of the personal  
1-23 injury, property damage, or death.

1-24 SECTION 2. The heading to Chapter 97, Civil Practice and  
1-25 Remedies Code, is amended to read as follows:

1-26 CHAPTER 97. LIABILITY OF PERSONS PROVIDING SERVICES FOR A  
1-27 GOVERNMENTAL UNIT [CORRECTIONAL FACILITIES AND OFFICERS  
1-28 BARRED FOR CERTAIN ACTS OF INMATES]

1-29 SECTION 3. The heading to Section 97.001, Civil Practice  
1-30 and Remedies Code, is amended to read as follows:

1-31 Sec. 97.001. LIABILITY OF CORRECTIONAL FACILITIES AND  
1-32 OFFICERS BARRED FOR CERTAIN ACTS OF INMATES.

1-33 SECTION 4. This Act takes effect September 1, 2003, and  
1-34 applies only to a cause of action that accrues on or after that  
1-35 date. An action that accrued before the effective date of this Act  
1-36 is governed by the law applicable to the action immediately before  
1-37 the effective date of this Act, and that law is continued in effect  
1-38 for that purpose.

1-39 \* \* \* \* \*