

## **BILL ANALYSIS**

H.B. 3410  
By: Rose  
Civil Practices  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, retailers are licensed by the Texas Lottery Commission to sell lottery tickets provided and approved by the commission. Although licensed lottery retailers can control most aspects of the purchase and sale of lottery tickets, they are unable to exercise any control over the conduct or management of a lottery game. Therefore, lottery retailers should not be held responsible for claims related to such issues.

HB 3410 establishes limited immunity of civil liability for lottery retailers in suits related to the fairness, management or conduct of a lottery game.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

HB 3410 amends Chapter 446, Government Code, by adding Section 466.161 to provide limited immunity from civil liability to lottery retailers who are acting in good faith as agents of the Texas Lottery Commission. It does not waive any immunity of the Texas Lottery Commission or the state. Further, HB 3410 does not create a cause of action against the state, a sales agent, the Texas Lottery Commission or an employee of the Commission.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.