

BILL ANALYSIS

C.S.H.B. 3465
By: Baxter
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Transportation Code authorizes a transit authority to contract for the operation of all or part of the transit authority system by an operator. If the operator is made an agent of the transit authority and is performing a governmental function, it should have the same liability as the authority.

Operators contracting with transit authorities in Dallas enjoy such limited liability under Chapter 452 of the Transportation Code. Private operators in certain cities like Austin, however, do not have limited liability because of Section 451.069 of the Transportation Code, which states that a governmental immunity or limitation of liability is not created for any entity other than an authority. The different language in these two chapters create an inconsistency in the Transportation Code regarding liability levels for operators contracting with a transit authority.

The purpose of C.S.H.B. 3465 is to correct the conflicting provisions between Chapter 451 and Chapter 452, by deleting Section 451.069.

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

Section 1

This section repeals section 451.069 of the Transportation Code, which states that immunity or limitation of liability is not created by the Transportation Code for any entity other than an authority.

Section 2

Effective date.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 3465 deletes section 1 of the filed version of the bill and simply repeals 451.069 of the Transportation Code.