

BILL ANALYSIS

S.B. 728
By: Wentworth
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current Texas law, agency principals, who are agents of governmental entities performing governmental functions, are afforded the same limits on liability as the governmental agency. Section 451.069 provides that certain sections within the chapter do not create or confer any governmental immunity or limitation of liability on any entity other than the rapid transit authority. This provision is unique to Chapter 451 (Metropolitan Rapid Transit Authorities) and is not found in similar statutes authorizing the establishment of transit authorities. The purpose of Section 451.069 is unclear and has been used as an argument that liability caps applicable to governmental entities cannot be extended to agents of governmental entities who are performing government functions.

S.B. 728 repeals Section 451.069, Transportation Code.

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. Repealer: Section 451.069 (Contractual Powers Do Not Create Immunity), Transportation Code.

SECTION 2. Effective date: September 1, 2005.

EFFECTIVE DATE

September 1, 2005.