

By: Goodman

H.B. No. 2486

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the civil liability of certain organizations providing
3 child welfare services.

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

5 SECTION 1. Chapter 97, Civil Practice and Remedies Code, is
6 amended by adding Section 97.003 to read as follows:

7 Sec. 97.003. LIMIT ON LIABILITY OF CERTAIN ORGANIZATIONS
8 PROVIDING CHILD WELFARE SERVICES. (a) In an action on a liability
9 claim in which a final judgment is rendered against a nonprofit
10 agency that manages or provides child welfare services, through a
11 performance-based contract, on behalf of the state to children in
12 the conservatorship of the state, the limit of civil liability for
13 noneconomic damages inclusive of all persons and entities for which
14 vicarious liability theories may apply is a total amount, including
15 prejudgment interest, not to exceed \$250,000 for each person and
16 \$500,000 for each single occurrence of bodily injury or death.

17 (b) The limitation on civil liability does not apply to
18 reckless conduct or intentional, wilful, or wanton misconduct of a
19 nonprofit agency.

20 SECTION 2. (a) Section 97.003, Civil Practice and Remedies
21 Code, as added by this Act, applies only to a cause of action that
22 accrues on or after the effective date of this Act. An action that
23 accrued before the effective date of this Act is governed by the law
24 applicable to the action immediately before the effective date of

1 this Act, and that law is continued in effect for that purpose.

2 (b) Section 97.003, Civil Practice and Remedies Code, as
3 added by this Act, is an exercise of authority under Section 66(c),
4 Article III, Texas Constitution, and takes effect only if this Act
5 receives a vote of three-fifths of all the members elected to each
6 house, as provided by Section 66(e) of that article.

7 SECTION 3. This Act takes effect September 1, 2005.