

By: Van Arsdale

H.B. No. 2588

A BILL TO BE ENTITLED

AN ACT

relating to sovereign immunity of a political subdivision.

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

SECTION 1. Section 773.146, Health and Safety Code, is amended to read as follows:

Sec. 773.146. LIMITATION ON CIVIL LIABILITY. ~~[(a)]~~ An emergency medical services operator who holds a certificate under Section 773.144 is not liable for damages that arise from the provision of medical information according to the protocol adopted under Section 773.145 if the information is provided in good faith. This subsection does not apply to an act or omission of the operator that constitutes gross negligence, recklessness, or intentional misconduct. ~~[This subsection does not affect any liability imposed on a public agency for the conduct of the emergency medical services operator under Section 101.062, Civil Practice and Remedies Code.~~

~~[(b) Section 101.062, Civil Practice and Remedies Code, governs the liability of a public agency the employees or volunteers of which provide medical information under this subchapter.]~~

SECTION 2. Section 101.021, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.021. GOVERNMENTAL LIABILITY. (a) Except as provided by Subsection (b), a ~~[A]~~ governmental unit in the state is liable for:

1 (1) property damage, personal injury, and death
2 proximately caused by the wrongful act or omission or the
3 negligence of an employee acting within his scope of employment if:

4 (A) the property damage, personal injury, or
5 death arises from the operation or use of a motor-driven vehicle or
6 motor-driven equipment; and

7 (B) the employee would be personally liable to
8 the claimant according to Texas law; and

9 (2) personal injury and death so caused by a condition
10 or use of tangible personal or real property if the governmental
11 unit would, were it a private person, be liable to the claimant
12 according to Texas law.

13 (b) Notwithstanding any other law, sovereign immunity of a
14 political subdivision described by Sections 101.001(3)(B) and (C)
15 to suit and from liability is waived, and the political subdivision
16 is liable to a claimant to the same extent as a private person
17 according to Texas law.

18 SECTION 3. The following are repealed:

19 (1) Section 101.0211, Civil Practice and Remedies
20 Code;

21 (2) Section 101.0215, Civil Practice and Remedies
22 Code;

23 (3) Sections 101.023(b), (c), and (d), Civil Practice
24 and Remedies Code;

25 (4) Section 101.051, Civil Practice and Remedies Code;

26 (5) Section 101.062, Civil Practice and Remedies Code;

27 (6) Section 101.063, Civil Practice and Remedies Code;

- (7) Section 101.064, Civil Practice and Remedies Code;
- (8) Subchapter B, Chapter 22, Education Code; and
- (9) Section 105.308, Education Code.

SECTION 4. This Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 5. This Act takes effect September 1, 2005.