

1-1 By: Hinojosa S.B. No. 442
1-2 (In the Senate - Filed February 9, 2005; February 15, 2005,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 13, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 13, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 442 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to immunity from liability for certain civil actions and
1-11 civil actions against sales agents.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter D, Chapter 466, Government Code, is
1-14 amended by adding Section 466.161 to read as follows:

1-15 Sec. 466.161. IMMUNITY; CIVIL ACTIONS. (a) A sales agent
1-16 acting in good faith is immune from civil liability for an act or
1-17 omission within the course and scope of the agent's license under
1-18 this chapter.

1-19 (b) This section does not waive any immunity of the
1-20 commission or this state.

1-21 (c) This section does not create a cause of action against
1-22 this state, the commission, a commission employee, or a sales
1-23 agent.

1-24 SECTION 2. Section 466.161, Government Code, as added by
1-25 this Act, applies only to a civil action filed on or after the
1-26 effective date of this Act. A civil action filed before the
1-27 effective date of this Act is governed by the law in effect
1-28 immediately before the effective date of this Act, and that law is
1-29 continued in effect for that purpose.

1-30 SECTION 3. This Act takes effect immediately if it receives
1-31 a vote of two-thirds of all the members elected to each house, as
1-32 provided by Section 39, Article III, Texas Constitution. If this
1-33 Act does not receive the vote necessary for immediate effect, this
1-34 Act takes effect September 1, 2005.

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