

By: Hinojosa

S.B. No. 1128

A BILL TO BE ENTITLED

AN ACT

relating to liability of the state for a violation of the federal Americans with Disabilities Act.

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

SECTION 1. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.0212 to read as follows:

Sec. 101.0212. LIABILITY OF STATE UNDER CERTAIN FEDERAL LAW. (a) The state is liable for a violation by a unit of state government of the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.).

(b) A suit under Subsection (a) may be filed only in a district court of this state and may not be brought in a federal court.

SECTION 2. Section 101.023(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) Liability of the state government under this chapter is limited to money damages in a maximum amount of:

(1) \$250,000 for each person and \$500,000 for each single occurrence for:

(A) bodily injury or death; or

(B) a violation by a unit of state government of the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.); and

1           (2) \$100,000 for each single occurrence for injury to  
2 or destruction of property.

3           SECTION 3. The change in law made by this Act applies only  
4 to a cause of action that accrues on or after the effective date of  
5 this Act. A cause of action that accrues before the effective date  
6 of this Act is governed by the law in effect immediately before that  
7 date, and that law is continued in effect for that purpose.

8           SECTION 4. This Act takes effect September 1, 2005.