

By: Patrick, Uresti

S.B. No. 1348

A BILL TO BE ENTITLED

AN ACT

relating to the liability of a governmental unit for action taken by a peace officer engaged in the pursuit of a motor vehicle.

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

SECTION 1. Section 101.055, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.055. CERTAIN GOVERNMENTAL FUNCTIONS. This chapter does not apply to a claim arising:

(1) in connection with the assessment or collection of taxes by a governmental unit;

(2) from the action of an employee while responding to an emergency call or reacting to an emergency situation if the action is in compliance with the laws and ordinances applicable to emergency action, or in the absence of such a law or ordinance, if the action is not taken with conscious indifference or reckless disregard for the safety of others; ~~or~~

(3) from the failure to provide or the method of providing police or fire protection; or

(4) from the action of a peace officer, if:

(A) the peace officer is a:

(i) sheriff or sheriff's deputy; or

(ii) municipal police officer;

(B) the officer is engaged in the pursuit of a motor vehicle and the action:

- 1                   (i) is not taken with conscious  
2 indifference or reckless disregard for the safety of others; and
- 3                   (ii) is in compliance with the laws and  
4 ordinances applicable to the peace officer regarding the pursuit of  
5 a motor vehicle; and
- 6                   (C) the action occurs while the peace officer is  
7 operating a vehicle appropriately marked as an official police  
8 vehicle.

9           SECTION 2. Section 101.055, Civil Practice and Remedies  
10 Code, as amended by this Act, applies only to a cause of action  
11 commenced on or after the effective date of this Act. A cause of  
12 action commenced before the effective date of this Act is governed  
13 by the law that existed immediately before the effective date of  
14 this Act, and that law is continued in effect for that purpose.

15           SECTION 3. This Act takes effect September 1, 2007.