

By: Uresti

S.B. No. 1678

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a suit against an employee of a governmental unit
3 alleging negligence in the course of the employee's employment.

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

5 SECTION 1. Section 101.106(f), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (f) If a suit is filed against an employee of a governmental
8 unit alleging negligence for an act or omission occurring during
9 ~~[based on conduct within]~~ the general course and scope of that
10 employee's employment ~~[and if it could have been brought under this~~
11 ~~chapter against the governmental unit]~~, the suit is considered to
12 be against the employee in the employee's official capacity only.
13 On the employee's motion, the suit against the employee shall be
14 dismissed unless the plaintiff files amended pleadings dismissing
15 the employee and naming the governmental unit as defendant on or
16 before the 30th day after the date the motion is filed.

17 SECTION 2. Section 101.106(f), Civil Practice and Remedies
18 Code, as amended by this Act, applies only to a cause of action
19 commenced on or after the effective date of this Act. A cause of
20 action commenced before the effective date of this Act is governed
21 by the law in effect at the time the action accrued, and that law is
22 continued in effect for that purpose.

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