

BILL ANALYSIS

H.B. 2149
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a public servant's liability for property damage is capped at \$100,000 if, for an amount not in excess of the cap, the public servant is covered by the state's obligation to indemnify, a local government's authority to indemnify, or insurance. Under law relating to tort claims payments by local governments and state liability for the conduct of public servants, the indemnification for property damage is limited to \$10,000, unless the legislature makes a specific appropriation. Thus, the public servant has potential individual liability of up to \$90,000.

H.B. 2149 provides that a public servant is not personally liable for property damage in excess of \$10,000, provided certain conditions are met.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2149 amends the Civil Practice and Remedies Code to make a public servant not personally liable for property damages in excess of \$10,000, rather than \$100,000, except in an action arising under the constitution or laws of the United States, if the damages are the result of an act or omission by the public servant in the course and scope of the public servant's official duties and the public servant is covered for the amount not in excess of \$10,000, rather than \$100,000, by certain insurance and indemnity agreements.

EFFECTIVE DATE

September 1, 2009.