

By: Aycock

H.B. No. 361

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the civil liability of a political party on primary  
3 election day.

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

5 SECTION 1. Chapter 161, Election Code, is amended by adding  
6 Section 161.011 to read as follows:

7 Sec. 161.011. LIABILITY OF POLITICAL PARTY ON PRIMARY  
8 ELECTION DAY. (a) Except as provided by Subsection (b), a political  
9 party holding a primary election is immune from civil liability for  
10 any act or omission resulting in death, damage, or injury that  
11 occurs on:

12 (1) primary election day at:

13 (A) a polling place used for voting; or

14 (B) the site of a precinct convention; or

15 (2) runoff primary election day at a polling place  
16 used for voting.

17 (b) This section does not apply to an act or omission that is  
18 intentional, willfully negligent, or done with conscious  
19 indifference or reckless disregard for the safety of others.

20 (c) A political party holding a primary election is liable  
21 to a person for death, damage, or injury to the person or his  
22 property proximately caused by any act or omission arising from the  
23 operation or use of any motor-driven equipment, including an  
24 airplane, to the extent insurance coverage is required by Chapter

1 601, Transportation Code, and to the extent of any existing  
2 insurance coverage applicable to the act or omission.

3 SECTION 2. This Act applies only to a cause of action that  
4 accrues on or after the effective date of this Act. A cause of  
5 action that accrues before the effective date of this Act is  
6 governed by the law applicable to the cause of action immediately  
7 before the effective date of this Act, and the former law is  
8 continued in effect for that purpose.

9 SECTION 3. This Act takes effect September 1, 2009.