

By: Lewis

H.B. No. 2149

A BILL TO BE ENTITLED

AN ACT

relating to the liability of public servants of certain governmental units for property damage.

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

SECTION 1. Section 108.002(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) Except in an action arising under the constitution or laws of the United States, a public servant is not liable for damages in excess of \$10,000 [~~\$100,000~~] for property damage if:

(1) the damages are the result of an act or omission by the public servant in the course and scope of the public servant's office, employment, or contractual performance for or service on behalf of a state agency, institution, department, or local government; and

(2) for the amount not in excess of \$10,000 [~~\$100,000~~], the public servant is covered:

(A) by the state's obligation to indemnify under Chapter 104;

(B) by a local government's authorization to indemnify under Chapter 102;

(C) by liability or errors and omissions insurance; or

(D) by liability or errors and omissions coverage under an interlocal agreement.

1           SECTION 2. Section 108.002(b), Civil Practice and Remedies  
2 Code, as amended by this Act, applies only to an action filed on or  
3 after the effective date of this Act. An action filed before the  
4 effective date of this Act is governed by the law in effect  
5 immediately before the change in law made by this Act, and that law  
6 is continued in effect for that purpose.

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