

By: Burnam

H.B. No. 3727

A BILL TO BE ENTITLED

AN ACT

relating to liability of a governmental unit for certain intentional torts.

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

SECTION 1. Section 101.021, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.021. GOVERNMENTAL LIABILITY. A governmental unit in the state is liable for[+]

[~~(1)~~] property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within the course and [~~his~~] scope of employment if:

(1)

~~[(A) the property damage, personal injury, or death arises from the operation or use of a motor-driven vehicle or motor-driven equipment; and~~

~~[(B)]~~ the employee would be personally liable to the claimant according to Texas law; and

(2) [~~personal injury and death so caused by a condition or use of tangible personal or real property if~~] the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

SECTION 2. Section 101.057, Civil Practice and Remedies Code, is amended to read as follows:

1 Sec. 101.057. CIVIL DISOBEDIENCE [~~AND CERTAIN INTENTIONAL~~
2 ~~TORTS~~]. This chapter does not apply to a claim[+]

3 [~~(1)~~] based on an injury or death connected with any
4 act or omission arising out of civil disobedience, riot,
5 insurrection, or rebellion[~~, or~~

6 [~~(2) arising out of assault, battery, false~~
7 ~~imprisonment, or any other intentional tort, including a tort~~
8 ~~involving disciplinary action by school authorities~~].

9 SECTION 3. The change in law made by this Act applies only
10 to a cause of action that accrues on or after the effective date of
11 this Act. A cause of action that accrues before the effective date
12 of this Act is governed by the law as it existed before that date,
13 and that law is continued in effect for that purpose.

14 SECTION 4. This Act takes effect September 1, 2009.