

By: Dutton

H.B. No. 4430

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the waiver of sovereign immunity of a school district  
3 for certain claims arising from the provision of community  
4 education child care services.

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

6 SECTION 1. Section 101.051, Civil Practice and Remedies  
7 Code, is amended to read as follows:

8 Sec. 101.051. SCHOOL AND JUNIOR COLLEGE DISTRICTS PARTIALLY  
9 EXCLUDED. (a) Except as provided by this section [~~to motor~~  
10 ~~vehicles~~], this chapter does not apply to a school district or to a  
11 junior college district.

12 (b) As to motor vehicles, this chapter applies to a school  
13 district or to a junior college district.

14 (c) As to a condition or use of tangible personal or real  
15 property, this chapter applies to a school district with respect to  
16 a claim for damages arising from the provision of after-school  
17 child-care services on school district property the primary purpose  
18 of which is to provide care, custody, or supervision of a child.

19 SECTION 2. The change in law made by this Act applies only  
20 to a cause of action that accrues on or after the effective date of  
21 this Act. A cause of action that accrues before the effective date  
22 of this Act is governed by the law in effect immediately before that  
23 date, and that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2009.