

By: Carona

S.B. No. 627

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a rebuttable presumption regarding liability of an
3 in-home service company or residential delivery company for
4 negligent hiring.

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

6 SECTION 1. Section 145.003(b), Civil Practice and Remedies
7 Code, is amended to read as follows:

8 (b) In an action to which this section applies, an in-home
9 service company or residential delivery company is rebuttably
10 presumed to have not acted negligently if:

11 (1) an officer or employee of the company is required
12 by state law to be licensed, registered, or certified by a state
13 agency; the licensing, registration, or certification process
14 requires the state agency to obtain the officer's or employee's
15 criminal history record information; and the license,
16 registration, or certificate renewal requirements have been
17 complied with by the officer or employee; or

18 (2) the company obtained criminal history record
19 information regarding the officer or employee[+] and

20 [~~2~~] the criminal history record information shows
21 that, in the 20 years preceding the date the information was
22 obtained for a felony or in the 10 years preceding the date the
23 information was obtained for a misdemeanor, the officer or employee
24 had not been convicted of:

- 1 (A) an offense in this state classified as:
- 2 (i) an offense against the person or the
- 3 family;
- 4 (ii) an offense against property; or
- 5 (iii) public indecency; or
- 6 (B) an offense in another jurisdiction that would
- 7 be classified in a category described by Paragraph (A) if the
- 8 offense had occurred in this state.

9 SECTION 2. The change in law made by this Act to Section

10 145.003, Civil Practice and Remedies Code, applies only to an

11 action that accrues on or after the effective date of this Act. An

12 action that accrues before the effective date of this Act is covered

13 by the law in effect immediately before the effective date of this

14 Act, and that law is continued in effect for that purpose.

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

16 a vote of two-thirds of all the members elected to each house, as

17 provided by Section 39, Article III, Texas Constitution. If this

18 Act does not receive the vote necessary for immediate effect, this

19 Act takes effect September 1, 2009.