

By: Lucio III

H.B. No. 1814

A BILL TO BE ENTITLED

AN ACT

relating to the provision of water and certain equipment by water supply or sewer service corporations for use in fire suppression and the liability of those corporations.

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

SECTION 1. The heading to Section 67.0105, Water Code, is amended to read as follows:

Sec. 67.0105. [~~CONTRACT FOR~~] WATER FOR FIRE SUPPRESSION.

SECTION 2. Section 67.0105, Water Code, is amended by amending Subsections (a) and (c) and adding Subsection (a-1) to read as follows:

(a) A corporation may provide a water supply to a municipality or volunteer fire department for use in fire suppression.

(a-1) A corporation may enter into a contract with a municipality or a volunteer fire department to supply water either to municipally owned fire hydrants or to corporation fire hydrants for use in fire suppression by the municipality's fire department or a volunteer fire department. The contract must be under terms that are mutually beneficial to the contracting parties.

(c) A corporation that provides [~~contracts with~~] a municipality or volunteer fire department [~~to provide~~] a water supply or fire hydrant equipment to carry out the governmental function described by Subsection (b) may be liable for damages only

1 to the extent that the municipality or volunteer fire department
2 would be liable if the municipality or volunteer fire department
3 were performing the governmental function directly.

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

9 SECTION 4. This Act takes effect September 1, 2011.