

By: Craddick, J. Davis of Harris

H.B. No. 278

Substitute the following for H.B. No. 278:

By: Gooden

C.S.H.B. No. 278

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the liability of a municipality for certain space
3 flight activities.

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

5 SECTION 1. Section 101.0215(a), Civil Practice and Remedies
6 Code, is amended to read as follows:

7 (a) A municipality is liable under this chapter for damages
8 arising from its governmental functions, which are those functions
9 that are enjoined on a municipality by law and are given it by the
10 state as part of the state's sovereignty, to be exercised by the
11 municipality in the interest of the general public, including but
12 not limited to:

- 13 (1) police and fire protection and control;
14 (2) health and sanitation services;
15 (3) street construction and design;
16 (4) bridge construction and maintenance and street
17 maintenance;
18 (5) cemeteries and cemetery care;
19 (6) garbage and solid waste removal, collection, and
20 disposal;
21 (7) establishment and maintenance of jails;
22 (8) hospitals;
23 (9) sanitary and storm sewers;
24 (10) airports, including when used for space flight

- 1 activities as defined by Section 100A.001;
2 (11) waterworks;
3 (12) repair garages;
4 (13) parks and zoos;
5 (14) museums;
6 (15) libraries and library maintenance;
7 (16) civic, convention centers, or coliseums;
8 (17) community, neighborhood, or senior citizen
9 centers;
10 (18) operation of emergency ambulance service;
11 (19) dams and reservoirs;
12 (20) warning signals;
13 (21) regulation of traffic;
14 (22) transportation systems;
15 (23) recreational facilities, including but not
16 limited to swimming pools, beaches, and marinas;
17 (24) vehicle and motor driven equipment maintenance;
18 (25) parking facilities;
19 (26) tax collection;
20 (27) firework displays;
21 (28) building codes and inspection;
22 (29) zoning, planning, and plat approval;
23 (30) engineering functions;
24 (31) maintenance of traffic signals, signs, and
25 hazards;
26 (32) water and sewer service;
27 (33) animal control;

1 (34) community development or urban renewal
2 activities undertaken by municipalities and authorized under
3 Chapters 373 and 374, Local Government Code;

4 (35) latchkey programs conducted exclusively on a
5 school campus under an interlocal agreement with the school
6 district in which the school campus is located; and

7 (36) enforcement of land use restrictions under
8 Subchapter E [~~A~~], Chapter 212 [~~230~~], Local Government Code.

9 SECTION 2. Section 101.0211, Civil Practice and Remedies
10 Code, is amended to read as follows:

11 Sec. 101.0211. NO LIABILITY FOR JOINT ENTERPRISE. (a) The
12 common law doctrine of vicarious liability because of participation
13 in a joint enterprise does not impose liability for a claim brought
14 under this chapter on:

15 (1) a water district created pursuant to either
16 Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI,
17 Texas Constitution, regardless of how created; or

18 (2) a municipality with respect to the use of a
19 municipal airport for space flight activities as defined by Section
20 100A.001 unless the municipality would otherwise be liable under
21 Section 101.021.

22 (b) This section does not affect a limitation on liability
23 or damages provided by this chapter, including a limitation under
24 Section 101.023[~~, for a claim brought under this chapter~~].

25 SECTION 3. The change in law made by this Act applies only
26 to a cause of action that accrues on or after the effective date of
27 this Act. A cause of action that accrues before the effective date

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1 of this Act is governed by the law in effect immediately before that
2 date, and that law is continued in effect for that purpose.

3 SECTION 4. This Act takes effect September 1, 2013.