

1-1 By: Craddick, J. Davis of Harris H.B. No. 278
 1-2 (Senate Sponsor - Seliger)
 1-3 (In the Senate - Received from the House April 22, 2013;
 1-4 April 22, 2013, read first time and referred to Committee on State
 1-5 Affairs; April 29, 2013, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; April 29, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17			X	

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the liability of a municipality for certain space
 1-21 flight activities.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 101.0215(a), Civil Practice and Remedies
 1-24 Code, is amended to read as follows:

1-25 (a) A municipality is liable under this chapter for damages
 1-26 arising from its governmental functions, which are those functions
 1-27 that are enjoined on a municipality by law and are given it by the
 1-28 state as part of the state's sovereignty, to be exercised by the
 1-29 municipality in the interest of the general public, including but
 1-30 not limited to:

- 1-31 (1) police and fire protection and control;
- 1-32 (2) health and sanitation services;
- 1-33 (3) street construction and design;
- 1-34 (4) bridge construction and maintenance and street
 1-35 maintenance;
- 1-36 (5) cemeteries and cemetery care;
- 1-37 (6) garbage and solid waste removal, collection, and
 1-38 disposal;
- 1-39 (7) establishment and maintenance of jails;
- 1-40 (8) hospitals;
- 1-41 (9) sanitary and storm sewers;
- 1-42 (10) airports, including when used for space flight
 1-43 activities as defined by Section 100A.001;
- 1-44 (11) waterworks;
- 1-45 (12) repair garages;
- 1-46 (13) parks and zoos;
- 1-47 (14) museums;
- 1-48 (15) libraries and library maintenance;
- 1-49 (16) civic, convention centers, or coliseums;
- 1-50 (17) community, neighborhood, or senior citizen
 1-51 centers;
- 1-52 (18) operation of emergency ambulance service;
- 1-53 (19) dams and reservoirs;
- 1-54 (20) warning signals;
- 1-55 (21) regulation of traffic;
- 1-56 (22) transportation systems;
- 1-57 (23) recreational facilities, including but not
 1-58 limited to swimming pools, beaches, and marinas;
- 1-59 (24) vehicle and motor driven equipment maintenance;
- 1-60 (25) parking facilities;
- 1-61 (26) tax collection;

- 2-1 (27) firework displays;
- 2-2 (28) building codes and inspection;
- 2-3 (29) zoning, planning, and plat approval;
- 2-4 (30) engineering functions;
- 2-5 (31) maintenance of traffic signals, signs, and
- 2-6 hazards;
- 2-7 (32) water and sewer service;
- 2-8 (33) animal control;
- 2-9 (34) community development or urban renewal
- 2-10 activities undertaken by municipalities and authorized under
- 2-11 Chapters 373 and 374, Local Government Code;
- 2-12 (35) latchkey programs conducted exclusively on a
- 2-13 school campus under an interlocal agreement with the school
- 2-14 district in which the school campus is located; and
- 2-15 (36) enforcement of land use restrictions under
- 2-16 Subchapter E [A], Chapter 212 [230], Local Government Code.

2-17 SECTION 2. Section 101.0211, Civil Practice and Remedies
 2-18 Code, is amended to read as follows:

2-19 Sec. 101.0211. NO LIABILITY FOR JOINT ENTERPRISE. (a) The
 2-20 common law doctrine of vicarious liability because of participation
 2-21 in a joint enterprise does not impose liability for a claim brought
 2-22 under this chapter on:

2-23 (1) a water district created pursuant to either
 2-24 Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI,
 2-25 Texas Constitution, regardless of how created; or

2-26 (2) a municipality with respect to the use of a
 2-27 municipal airport for space flight activities as defined by Section
 2-28 100A.001 unless the municipality would otherwise be liable under
 2-29 Section 101.021.

2-30 (b) This section does not affect a limitation on liability
 2-31 or damages provided by this chapter, including a limitation under
 2-32 Section 101.023[, for a claim brought under this chapter].

2-33 SECTION 3. The change in law made by this Act applies only
 2-34 to a cause of action that accrues on or after the effective date of
 2-35 this Act. A cause of action that accrues before the effective date
 2-36 of this Act is governed by the law in effect immediately before that
 2-37 date, and that law is continued in effect for that purpose.

2-38 SECTION 4. This Act takes effect September 1, 2013.

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