

By: Birdwell

S.B. No. 865

A BILL TO BE ENTITLED

AN ACT

relating to immunity of a governmental entity for damage to certain utility facilities.

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

SECTION 1. Section 101.055, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 101.055. CERTAIN GOVERNMENTAL FUNCTIONS. (a) This chapter does not apply to a claim arising:

(1) in connection with the assessment or collection of taxes by a governmental unit;

(2) from the action of an employee while responding to an emergency call or reacting to an emergency situation if the action is in compliance with the laws and ordinances applicable to emergency action, or in the absence of such a law or ordinance, if the action is not taken with conscious indifference or reckless disregard for the safety of others; ~~or~~

(3) from the failure to provide or the method of providing police or fire protection; or

(4) from the action of an employee causing damage to an underground facility in the course of routine maintenance on a public road right-of-way.

(b) In this section:

(1) "Routine maintenance" has the meaning assigned by Section 251.156, Utilities Code.

1 (2) "Underground facility" has the meaning assigned by
2 Section 251.002, Utilities Code.

3 SECTION 2. The change in law made by this Act applies only
4 to a claim arising on or after the effective date of this Act. A
5 claim that arises before the effective date of this Act is governed
6 by the law applicable to the claim immediately before the effective
7 date of this Act, and that law is continued in effect for that
8 purpose.

9 SECTION 3. This Act takes effect September 1, 2015.