

By: Miller, Bonnen of Galveston, Zerwas,
Thompson of Harris, et al.

H.B. No. 931

Substitute the following for H.B. No. 931:

By: Cook

C.S.H.B. No. 931

A BILL TO BE ENTITLED

AN ACT

relating to liability of certain electric utilities and political subdivisions that contract for certain uses of land that the electric utility owns, occupies, or leases.

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

SECTION 1. Section 75.0022(h), Civil Practice and Remedies Code, is amended to read as follows:

(h) A written agreement entered into under this section may require the political subdivision to provide or pay for:

(1) insurance coverage for any defense costs or other litigation costs incurred by the electric utility for damage claims under this section; and

(2) costs incurred by the electric utility in entering the agreement under this section, including reimbursement for maintenance or removal of facilities and additional taxes, fees, and other costs incurred by the electric utility.

SECTION 2. Section 75.007(e), Civil Practice and Remedies Code, is amended to read as follows:

(e) This section does not affect Section 75.001, 75.002, ~~75.0021~~, 75.003, or 75.004 or create or increase the liability of any person.

SECTION 3. Subchapter B, Chapter 101, Civil Practice and Remedies Code, is amended by adding Section 101.030 to read as follows:

1 Sec. 101.030. LIABILITY OF POLITICAL SUBDIVISION IN
2 AGREEMENT WITH ELECTRIC UTILITY. (a) This chapter applies to a
3 political subdivision that enters into a written agreement with an
4 electric utility for public access to and use of the premises of the
5 electric utility as provided by Section 75.0022.

6 (b) Liability of a political subdivision that arises from
7 the use of property that is subject to an agreement under Section
8 75.0022 is limited, as justice and equity may require, to an amount
9 not to exceed:

- 10 (1) \$350,000 for each person;
11 (2) \$700,000 for each single occurrence for bodily
12 injury or death;
13 (3) \$100,000 for each single occurrence for injury to
14 or destruction of property;
15 (4) court costs;
16 (5) reasonable attorney's fees; and
17 (6) any other expense incurred in filing a cause of
18 action against a political subdivision under this section.

19 SECTION 4. Sections 75.0021 and 75.0022(b), Civil Practice
20 and Remedies Code, are repealed.

21 SECTION 5. (a) The change in law made by this Act applies
22 only to a cause of action that accrues on or after the effective
23 date of this Act. A cause of action that accrues before the
24 effective date of this Act is governed by the law applicable to the
25 cause of action immediately before that date, and that law is
26 continued in effect for that purpose.

27 (b) The change in law made by this Act to Section

1 75.0022(h), Civil Practice and Remedies Code, does not apply to an
2 agreement entered into between an electric utility and a political
3 subdivision before the effective date of this Act.

4 SECTION 6. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2017.