

By: Springer

H.B. No. 3240

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of certain gas utilities providing services
3 or materials in the inspection, construction, or repair of a gas
4 pipeline.

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

6 SECTION 1. Chapter 97, Civil Practice and Remedies Code, is
7 amended by adding Section 97.003 to read as follows:

8 Sec. 97.003. LIMIT ON LIABILITY OF GAS UTILITIES PROVIDING
9 ASSISTANCE TO GOVERNMENTAL UNITS AND INSTITUTIONS OF HIGHER
10 EDUCATION. (a) In this section:

11 (1) "Emergency" means a situation that endangers life,
12 health, or property or a situation in which the public need for
13 uninterrupted service provided by the gas pipeline or immediate
14 reestablishment of service if service is interrupted compels
15 immediate action.

16 (2) "Gas utility" has the meaning assigned by Sections
17 101.003 and 121.001, Utilities Code.

18 (3) "Governmental unit" has the meaning assigned by
19 Section 101.001.

20 (4) "Institution of higher education" has the meaning
21 assigned by Section 61.003, Education Code.

22 (b) A gas utility that inspects, constructs, or repairs a
23 gas pipeline owned or operated by a governmental unit or an
24 institution of higher education is not liable to a claimant for

1 personal injury, property damage, or death arising from the
2 performance of the inspection, construction, or repair if, at the
3 time of the personal injury, property damage, or death, the gas
4 utility was providing services or materials at the request of the
5 governmental unit or institution of higher education in response to
6 an emergency, and the personal injury, property damage, or death
7 was not caused by the gas utility's wilful misconduct.

8 SECTION 2. Section 97.003, Civil Practice and Remedies
9 Code, as added by this Act, applies only to a cause of action that
10 accrues on or after the effective date of this Act. A cause of
11 action that accrued before the effective date of this Act is
12 governed by the law applicable to the action immediately before the
13 effective date of this Act, and that law is continued in effect for
14 that purpose.

15 SECTION 3. This Act takes effect September 1, 2017.