

Amend CSSB 3 (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. LIMITED LIABILITY OF CERTAIN ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES. Unless an electric utility or electric cooperative acts with gross negligence, as that term is defined by Section 41.001, Civil Practice and Remedies Code, an electric utility or electric cooperative that complies with an instruction, directive, order, regulation, or restriction regarding the operation of the electric utility's or electric cooperative's transmission or distribution system issued by an independent organization certified under Section 39.151 or a regulatory authority is not liable for any direct or consequential damages, including without limitation bodily or other personal injury, emotional injury, death, property damage, loss of profits, loss of revenue, or loss of production capacity, caused by the electric utility's or electric cooperative's compliance with the instruction, directive, order, regulation, or restriction.

SECTION \_\_\_\_\_. Section 31.006, Utilities Code, as added by this Act, applies only to an action commenced on or after February 12, 2021, for which a judgment has not become final before the effective date of this Act. An action commenced before February 12, 2021, or an action for which a judgment has become final before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.