

BILL ANALYSIS

C.S.H.B. 3353
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Contractors are essential in improving public safety on Texas roads but may face liability risks, particularly when accidents occur that are caused by external factors, such as impaired drivers. Current law limits the liability of contractors of the Texas Department of Transportation who comply with their contracts in the construction and repair of roads but this limitation does not apply to contractors working on devices or safety systems intended for public safety or traffic management or contractors who work for other governmental units. C.S.H.B. 3353 seeks to ensure that such contractors who comply with their contracts are protected from liability and enhance public safety efforts by revising the limitation on liability for highway, road, and street contractors.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3353 amends the Civil Practice and Remedies Code to revise the limitation on liability of a contractor who constructs or repairs a highway, road, or street for the Texas Department of Transportation (TxDOT) for personal injury, property damage, or death arising from such work when the contractor is in compliance with contract documents material to the condition or defect that was the proximate cause of the injury, damage, or death as follows:

- changes from TxDOT to any governmental unit the entities for which the contractor is performing that construction or repair work;
- includes the following among the contractors to whom the limited liability applies:
 - a contractor who constructs or repairs any device or system intended for public safety or traffic management installed on a highway, road, or street for a governmental unit; and
 - a contractor who designs, installs, or maintains a highway, road, street, or any such device or system for a governmental unit; and
- specifies that the contractor's compliance for purposes of the limited liability must be material compliance.

The bill defines "governmental unit" by reference to its meaning assigned by the Texas Tort Claims Act.

C.S.H.B. 3353 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrues before that date is governed by the law as it existed immediately before that date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 3353 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced changed the entity for whose work a contractor is limited from liability under the bill's provisions from TxDOT to any state, regional, county or local government entity, or department thereof, the substitute changes the entity instead from TxDOT to any governmental unit and defines "governmental unit" by reference to its meaning assigned by the Texas Tort Claims Act, which the introduced did not do.

The substitute includes a provision absent from the introduced making the bill's provisions applicable only to a cause of action that accrues on or after the bill's effective date and establishing that a cause of action that accrues before that date is governed by the law as it existed immediately before that date, and that the law is continued in effect for that purpose.