

By: DeAyala

H.B. No. 3353

Substitute the following for H.B. No. 3353:

By: Schofield

C.S.H.B. No. 3353

A BILL TO BE ENTITLED

AN ACT

relating to the limitation of liability for certain transportation contractors.

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

SECTION 1. Section 97.002, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD, AND STREET CONTRACTORS. (a) In this section, "governmental unit" has the meaning assigned by Section 101.001.

(b) A contractor who designs, installs, constructs, maintains, or repairs a highway, road, or street or any device or system intended for public safety or traffic management installed on a highway, road, or street for a governmental unit [the Texas Department of Transportation] is not liable to a claimant for personal injury, property damage, or death arising from the performance of the design, installation, construction, maintenance, or repair if, at the time of the personal injury, property damage, or death, the contractor is in material compliance with contract documents material to the condition or defect that was the proximate cause of the personal injury, property damage, or death.

SECTION 2. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date

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1 of this Act is governed by the law as it existed immediately before
2 the effective date of this Act, and that law is continued in effect
3 for that purpose.

4 SECTION 3. This Act takes effect September 1, 2025.