

By: Bettencourt

S.B. No. 2823

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the limitation of liability for certain highway, road,  
3 and street contractors and the presumption of sole causation by  
4 legally impaired drivers in certain civil actions.

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

6 SECTION 1. Chapter 97, Civil Practice and Remedies Code,  
7 Section 97.002 is amended as follows:

8 Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD,  
9 AND STREET CONTRACTORS. A contractor who designs, installs,  
10 constructs, or repairs, or maintains a highway, road, or street, or  
11 any devices or systems intended for public safety or traffic  
12 management installed thereon, for ~~the Texas Department of~~  
13 ~~Transportation~~ any state, regional, county or local government  
14 entity, or department thereof, is not liable to a claimant for  
15 personal injury, property damage, or death arising from the  
16 performance of the design, installation, construction, or repair,  
17 or maintenance if, at the time of the personal injury, property  
18 damage, or death, the contractor is in material compliance with  
19 contract documents material to the condition or defect that was the  
20 proximate cause of the personal injury, property damage, or death.

21 SECTION 2. This Act takes effect September 1, 2025.