

BILL ANALYSIS

Senate Research Center

S.B. 243
By: Harris
Jurisprudence
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As Filed

DIGEST

Currently, Texas does not have a law which makes parents legally responsible for damage to hotel property caused by the parents' child. Activity not supervised by a parent may result in property damage for which the parent may refuse to pay and children generally do not have the resources to pay for the damage they cause. There is uncertainty among inn and hotel keepers whether Chapter 41 of the Family Code, relating to parental liability for children's acts, applies to inns and hotels. This bill will make parents legally responsible for damage to hotel property caused by the parents' child.

PURPOSE

As proposed, S.B. 243 provides regulations to make parents legally responsible for damage to hotel property caused by the parents' child.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 73, V.T.C.S., by adding Article 4596e, as follows:

ARTICLE 4596e. LIABILITY FOR PROPERTY DAMAGE CAUSED BY CHILDREN

Sec. 1. Defines "innkeeper" and "child."

Sec. 2. Authorizes an innkeeper to request a parent or other person who has the duty of control and reasonable discipline of a child to sign a form assuming liability for any property damage proximately caused by the negligent conduct or the wilful and malicious conduct of the child.

Sec. 3. Provides that a parent or other person who signs the form in Section 2 is liable for any property damage proximately caused by the negligent conduct or wilful and malicious conduct of the child.

Sec. 4. Provides that a parent or other person is not required to sign the form in Section 2.

Sec. 5. Authorizes an innkeeper to deny service to the parent or other person who does not sign the form and to the child. Prohibits an innkeeper from denying service to any person on the basis of race, creed, color, national origin, sex, or disability of a person.

Sec. 6. Provides that Chapter 41, Family Code, applies to inns and hotels.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.