

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1432
By: Averitt
Infrastructure Development and Security
5/8/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, when a contractor is hired by the Texas Department of Transportation for a road construction project, the contractor must follow the safety precautions set forth in the contract. These safety provisions are very specific and are frequently checked to ensure they are exactly followed. However, should an accident occur, the contractor could be held liable in court even though the contractor was following the safety provisions established in the contract. C.S.S.B. 1432 provides immunity from suit for a contractor who follows the safety precautions detailed in a construction contract.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 97, Civil Practice and Remedies Code, by adding Section 97.002, as follows:

Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD, AND STREET CONTRACTORS. Provides that a contractor who constructs or repairs a highway, road, or street for the Texas Department of Transportation is not liable to a claimant for personal injury, property damage, or death arising from the performance of the construction or repair if, at the time of the personal injury, property damage, or death, the contractor is in 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. Amends the heading to Chapter 97, Civil Practice and Remedies Code, to read as follows:

CHAPTER 97. LIABILITY OF PERSONS PROVIDING SERVICES FOR A
GOVERNMENTAL UNIT

SECTION 3. Amends the heading to Section 97.001, Civil Practice and Remedies Code, to read as follows:

Sec. 97.001. LIABILITY OF CORRECTIONAL FACILITIES AND OFFICERS
BARRED FOR CERTAIN ACTS OF INMATES.

SECTION 4. Effective date: September 1, 2003.
Makes application of this Act prospective.