

## **BILL ANALYSIS**

Senate Research Center  
83R5651 TJS-F

S.B. 1636  
By: Deuell  
Economic Development  
3/29/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1636 amends the Civil Practice and Remedies Code by defining "launch vehicle" and "crew." In addition, it amends existing definitions, and clarifies liability issues relating to a space flight entity.

As proposed, S.B. 1636 amends current law relating to the facilitation and operation of space flight activities in this state.

### **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 Section 100A.001, Civil Practice and Remedies Code, to redefine "launch," "reentry," "space flight activities," "space flight entity," "space flight participant," and "space flight participant injury" and to define "launch vehicle," "spacecraft," and "crew" for this section.

SECTION 2. Amends Section 100A.002, Civil Practice and Remedies Code, as follows:

Sec. 100A.002. LIMITED LIABILITY. (a) Provides that, except as provided by this section, rather than Subsection (b), a space flight entity is not liable to any person for direct or indirect damages resulting from nuisance, or subject to any claim for abatement or other injunctive relief arising from space flight activities.

(b) Provides that, except as provided by this section, a space flight entity is not liable to any person for a space flight participant injury or damages arising out of space flight activities, rather than arising out of the space flight participant injury, if the space flight participant has signed the agreement required by Section 100A.003 (Warning Required) and given written consent as required by 51 U.S.C. Section 50905, rather than 49 U.S.C. Section 70105. Provides that this subsection, rather than section, does not limit liability for a space flight participant injury proximately caused by the space flight entity's gross negligence evidencing wilful or wanton disregard for the safety of the space flight participant or intentionally caused by the space flight entity. Makes nonsubstantive changes.

(c) Provides that, except as provided by Subsections (a) and (b), this section precludes injunctive relief and limits damages that are authorized to be recovered to direct damages with respect to space flight activities.

(d) Provides that this section does not limit liability for breach of a contract for use of real property by a space flight entity or enforcement of a valid statute or regulation.

SECTION 3. Amends Section 100A.003(b), Civil Practice and Remedies Code, to provide that an agreement under Subsection (a) (relating to requiring a space flight participant to sign an

agreement and warning statement before participating in any space flight activity) is considered effective and enforceable if it is signed by the space flight participant on behalf of the space flight participant and any heirs, executors, administrators, representatives, attorneys, successors, and assignees of the space flight participant and signed by a competent witness. Makes nonsubstantive changes.

SECTION 4. Amends Sections 507.001(2) and (3), Local Government Code, to redefine "spacecraft" and "spaceport."

SECTION 5. Amends Section 481.0069(d), Government Code, to prohibit money in the spaceport trust fund from being spent unless the Texas Economic Development and Tourism Office certifies to the comptroller of public accounts of the State of Texas that the spaceport or launch operator, if required by federal law, has obtained or applied for the appropriate Federal Aviation Administration license or other appropriate authorization.

SECTION 6. Amends Section 42.01, Penal Code, by adding Subsection (g), to provide that noise arising from lawful space flight activities, as defined by Section 100A.001 (Definitions), Civil Practice and Remedies Code, does not constitute "unreasonable noise" for purposes of this section.

SECTION 7. Makes application of this Act prospective.

SECTION 8. Effective date: September 1, 2013.