

BILL ANALYSIS

Senate Research Center

H.B. 1699
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Infrastructure Development and Security
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Engrossed

DIGEST AND PURPOSE

Contractors repairing, constructing or maintaining highways, roads, or streets on behalf of the state must conform to the work specifications set by the governmental unit overseeing the project. Sometimes those specifications may be inadequate or flawed to such a degree as to threaten or cause harm or damage to some person or property. Currently, contractors may be held liable for mistakes in work specifications set by the state.

H.B. 1699 provides that a contractor performing highway, road, or street repairs, construction or maintenance on behalf of the state is not liable for damage or injury resulting from work performed in substantial compliance with contract documents set by the 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 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: upon passage or September 1, 2003.