

BILL ANALYSIS

Senate Research Center

S.B. 1432
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Infrastructure Development and Security
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DIGEST AND PURPOSE

Currently, when a contractor is hired by the Texas Department of Transportation, a county, or a city 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 a state, county, or city contract. As proposed, 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 Title 4, Civil Practice & Remedies Code, by adding Chapter 94, as follows:

CHAPTER 94. LIABILITY OF CONTRACTORS OF HIGHWAYS, ROADS OR STREETS.

Sec. 94.001. LIMIT ON LIABILITY.

(a) Provides that a contractor who performs the construction or repair of any highway, road or street for any governmental unit is not liable for personal injury, property damage, or death to third parties resulting from or arising out of the performance of or any failure to perform the construction or repair if, at the time of such personal injury, property damage or death, the contractor is in substantial compliance with all specifications for such construction or repair required by the contracting governmental unit.

(b) Authorizes a contractor who performs the construction or repair of any highway, road or street for any governmental unit to be liable for personal injury, property damage, or death to third parties resulting from or arising out of the performance of or any failure to perform the construction or repair if, at the time of such personal injury, property damage or death, the contractor is not in substantial compliance with all specifications for such construction or repair required by the contracting governmental unit and such failure is the proximate cause of the personal injury, property damage or death to a third party.

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.