CIVIL PRACTICE AND REMEDIES CODE

TITLE 4. LIABILITY IN TORT

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

Sec. 97.001. LIABILITY OF CORRECTIONAL FACILITIES AND OFFICERS BARRED FOR CERTAIN ACTS OF INMATES. A correctional facility or an officer or employee of a correctional facility is not liable for damages arising from an act committed by a person confined in the correctional facility that is in violation of Section 38.111, Penal Code. This section does not apply if the officer or employee of the correctional facility knowingly assists or participates in the conduct prohibited by Section 38.111, Penal Code.

Added by Acts 2001, 77th Leg., ch. 1337, Sec. 2, eff. Sept. 1, 2001.

Amended by Acts 2003, 78th Leg., ch. 584, Sec. 3, eff. Sept. 1, 2003.

Sec. 97.002. LIMIT ON LIABILITY OF CERTAIN HIGHWAY, ROAD, AND STREET CONTRACTORS. 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.

Added by Acts 2003, 78th Leg., ch. 584, Sec. 1, eff. Sept. 1, 2003.

Sec. 97.003. LIMIT ON LIABILITY OF CONSTRUCTION MONITORING AND INSPECTION SERVICES. (a) In this section:

(1) "Business entity" means an entity registered under Section 1001.405, Occupations Code.

(2) "Complied with the obligations under the contract" means:

(A) performing the monitoring and inspection required by a contract; and

(B) notifying the department, as required by the contract, of any unsafe condition or operation that the person becomes aware of in the normal course of providing the services under the contract.

(3) "Department" means the Texas Department of Transportation.

(4) "Engineer" has the meaning assigned by Section 1001.002, Occupations Code.

(b) This section applies to a business entity, an officer or employee of a business entity, or an engineer that provides services as a consultant or subconsultant of the department to monitor and inspect the progress of work on a transportation construction or maintenance project performed by a private contractor and report to the department regarding the contractor's compliance with the department's requirements for the project.

(c) A person to whom this section applies is not liable to a claimant for personal injury, property damage, or death arising from an act or omission performed in the course and scope of the person's duties with respect to a project if:

(1) the person does not have authority to direct the operations of the contractor or subcontractor to be monitored or inspected and otherwise had no control of any of the following:

(A) the construction, means, methods, techniques, sequences, or procedures of the contractor or subcontractor;

(B) the safety precautions or programs of the contractor or subcontractor; or

(C) any other person who performs the work of the contractor or subcontractor to be monitored or inspected; and

(2) the person performing the monitoring and inspecting substantially complied with the obligations under the contract with the department.

(d) Subsection (c) does not apply to a cause of action for gross negligence or wilful or wanton conduct.

Added by Acts 2023, 88th Leg., R.S., Ch. 596 (H.B. 3156), Sec. 1, eff. September 1, 2023.