CIVIL PRACTICE AND REMEDIES CODE

TITLE 5. GOVERNMENTAL LIABILITY

CHAPTER 102A. MUNICIPAL AND COUNTY LIABILITY FOR CERTAIN REGULATION

Sec. 102A.001. DEFINITION. In this chapter, "person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, agency or instrumentality, public corporation, any legal or commercial entity, or protected or registered series of a for-profit entity.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.

Sec. 102A.002. LIABILITY FOR CERTAIN REGULATION. Any person who has sustained an injury in fact, actual or threatened, from a municipal or county ordinance, order, or rule adopted or enforced by a municipality or county in violation of any of the following provisions or a trade association representing the person has standing to bring and may bring an action against the municipality or county:

(1) Section 1.004, Agriculture Code;

(2) Section 1.109, Business & Commerce Code;

(3) Section 1.004, Finance Code;

(4) Section 30.005, Insurance Code;

(5) Section 1.005, Labor Code;

(6) Section 229.901, Local Government Code;

(7) Section 1.003, Natural Resources Code;

(8) Section 1.004, Occupations Code; or

(9) Section 1.004, Property Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.

Sec. 102A.003. REMEDIES. (a) A claimant is entitled to recover in an action brought under this chapter:

(1) declaratory and injunctive relief; and

(2) costs and reasonable attorney's fees.

(b) A municipality or county is entitled to recover in an action brought under this chapter costs and reasonable attorney's fees if the court finds the action to be frivolous.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.

Sec. 102A.004. IMMUNITY WAIVER. Governmental immunity of a municipality or county to suit and from liability is waived to the extent of liability created by this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.

Sec. 102A.005. NOTICE. A municipality or county is entitled to receive notice of a claim against it under this chapter not later than three months before the date a claimant files an action under this chapter. The notice must reasonably describe:

(1) the injury claimed; and

(2) the ordinance, order, or rule that is the cause of the injury.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.

Sec. 102A.006. VENUE. (a) Notwithstanding any other law, including Chapter 15, a claimant may bring an action under this chapter in:

(1) the county in which all or a substantial part of the events giving rise to the cause of action occurred; or

(2) if the defendant is a municipality, a county in which the municipality is located.

(b) If the action is brought in a venue authorized by this section, the action may not be transferred to a different venue without the written consent of all parties.

Added by Acts 2023, 88th Leg., R.S., Ch. 899 (H.B. 2127), Sec. 7, eff. September 1, 2023.