

AN ACT

1
2 relating to immunity from liability for certain civil actions and
3 civil actions against sales agents.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 466, Government Code, is
6 amended by adding Section 466.161 to read as follows:

7 Sec. 466.161. IMMUNITY; CIVIL ACTIONS. (a) A sales agent
8 acting in good faith is immune from civil liability for an act or
9 omission within the course and scope of the agent's license under
10 this chapter.

11 (b) This section does not waive any immunity of the
12 commission or this state.

13 (c) This section does not create a cause of action against
14 this state, the commission, a commission employee, or a sales
15 agent.

16 (d) The immunity provided by Subsection (a) does not apply
17 to a cause of action for personal injury or wrongful death.

18 SECTION 2. Section 466.161, Government Code, as added by
19 this Act, applies only to a civil action filed on or after the
20 effective date of this Act. A civil action filed before the
21 effective date of this Act is governed by the law in effect
22 immediately before the effective date of this Act, and that law is
23 continued in effect for that purpose.

24 SECTION 3. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2005.

David Dewhurst
President of the Senate

Tom Craddick
Speaker of the House

I hereby certify that S.B. No. 442 passed the Senate on
April 21, 2005, by the following vote: Yeas 30, Nays 0.

Datsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 442 passed the House on
May 25, 2005, by the following vote: Yeas 143, Nays 0, two
present not voting.

Robert Hanes
Chief Clerk of the House

Approved:

17 JUNE '05

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

JUN 17 2005

Roger Williams
Secretary of State