



Texas Tort Claims Act - Reference Sheet

Texas Tort Claims Act (TTCA) Overview

The TTCA is a set of state legal statutes that outline when governmental entities, including El Paso Water, can be held liable for property damage or personal injury. Liability only applies when the damage is caused by a government employee operating a motor-driven vehicle or equipment while on duty.

What is the TTCA?

The TTCA provides a partial waiver of immunity of the State of Texas and its various political subdivisions, including cities, counties, and school districts.

Prior to the adoption of the TTCA, individuals could not recover damages from cities or other governmental units for injuries or damages caused by the actions of a government employee or officer in the performance of a governmental function. Sovereign immunity (state) and governmental immunity (local governments like cities and counties) serve several purposes. It protects the expense of time and money caused by private litigation and encourages forthright action by public officials. It also protects the government from fraudulent or frivolous suits.

The Texas Tort Claims Act (TTCA) permits a suit against governmental entities for specific circumstances. A governmental unit in the state is liable for:

- (1) property damage, personal injury, and death proximately caused by the wrongful act or omission or the negligence of an employee acting within the scope of employment if:
 - (A) the property damage, personal injury, or death arises from the operation or use of a **motor-driven vehicle or motor-driven equipment**; *and*
 - (B) the employee would be personally liable to the claimant according to Texas law; *and*
- (2) personal injury and death so caused by a **condition or use of tangible personal or real property** if the governmental unit would, were it a private person, be liable to the claimant according to Texas law.

What does this mean?

Generally, local governments, cities, counties, towns, and other political subdivisions of the state are immune from most liability under governmental immunity. However, the local government can be liable for certain acts if it waives its immunity by statute. In our state, this statute is the Texas Tort Claims Act, which permits suit against governmental entities in limited, specific circumstances.