

**SUBJECT:** Civil immunity for certain actions against lottery sales agents

**COMMITTEE:** Civil Practices — favorable, without amendment

**VOTE:** 6 ayes — Nixon, Rose, Madden, Martinez Fischer, Talton, Woolley  
0 nays  
3 absent — P. King, Raymond, Strama

**SENATE VOTE:** On final passage, April 21 — 30-0

**WITNESSES:** No public hearing

**BACKGROUND:** Government Code, ch. 466, authorizes the Texas Lottery Commission to license sales agents to sell lottery tickets.

**DIGEST:** SB 442 would add sec. 466.161 to the Government Code to create civil immunity for lottery sales agents acting in good faith for an act or omission committed within the course and scope of the agent's license. It would neither waive immunity nor create a cause of action against the state or the Texas Lottery Commission. The immunity would not apply to a cause of action for personal injury or wrongful death.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS SAY:** Lottery sales agents have no control over the conduct and management of any lottery game. They cannot control the number of winners or the amount of an award. Because of this, sales agents should not be liable in suits relating to claims over the conduct or management of a lottery game. SB 442 would ensure that sales agents were not held liable in such a suit. The bill would not protect a sales agent who did not act in good faith or who committed an act or omission outside of the scope of his or her license. The immunity also would not protect a sales agent against claims for personal injury or wrongful death.

OPPONENTS  
SAY:

No apparent opposition.

NOTES:

The House companion bill, HB 3410 by Rose, passed the House on May 13 and has been referred to the Senate State Affairs Committee.