



The Senate Committee on  
Veteran Affairs & Military Installations

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OPINION COMMITTEE

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May 19, 2006

The Honorable Gregg Abbott  
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Attention: Opinion Committee

**Re:** Are motorized vehicles like golf carts and tractors, considered "motor vehicles" for which immunity does not apply in the operation or are they instrumentalities for which school districts are immune from damages resulting from their operation, under the Texas Tort Claims Act?

Dear General Abbott:

I respectfully request your formal opinion concerning the classification of a certain group of mobile motorized equipment operated by many Texas school districts. A review and an opinion from your office would clarify issues of tort liability.

The Texas Association of Public Schools is an inter-local cooperative of 158 Texas public school district, community college districts, educational service centers and educational service cooperatives, headquartered in San Antonio. All of its members enjoy immunity from tort liability under general liability situations and limited liability for motor vehicle liability under the Texas Tort Claims Act (§ 101.051 Local Government Code).

It is clear a school district can be held liable for the operation of motor vehicles up to \$100,000 per person and \$300,000 per accident. Unlike the sections of the Tort Claims Act that apply to cities and counties, school districts can not be held liable for the operation of "motor driven equipment". However, there is a class of mobile motorized equipment school districts operate that are not defined or not as "motor vehicles" or excluded as such; specifically: golf carts and other electric or motorized carts and tractors, fork lifts and the like.

**My Inquiry:** Are motorized vehicles like golf carts and tractors, considered "motor vehicles" for which immunity does not apply in the operation or are they instrumentalities for which districts are immune from damages resulting from their operation, under the Tort Claims Act?

I appreciate your attention into this matter. If you have any further questions, please do not hesitate to contact me.

Respectfully submitted,

Leticia Van de Putte, R. Ph.,  
Chair, Veteran Affairs and Military Installations