

Bond Case Briefs

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City of Austin v. Powell

Supreme Court of Texas - December 31, 2024 - S.W.3d - 2024 WL 5249451

Motorist, who was injured when police officer involved in high-speed chase collided with motorist's vehicle, brought action against city to recover damages for his injuries.

The 353rd District Court, Travis County, denied city's plea to the jurisdiction. City appealed. The Austin Court of Appeals affirmed. The Supreme Court granted city's petition for review.

The Supreme Court held that:

- Statute requiring operator of motor vehicle to maintain distance between vehicles was law of general applicability and was not specifically applicable to emergency action, for purposes of whether emergency exception to waiver of immunity under Tort Claims Act applied to motorist's action;
- Statute permitting certain conduct in operating emergency vehicle did not make all other traffic laws binding in emergency contexts, for purposes of whether emergency exception applied to immunity waiver under Tort Claims Act;
- Whether police officer violated department policy was immaterial to inquiry of whether law or ordinance existed specifically addressing emergency response at issue, for purposes of whether emergency exception applied to immunity waiver under Tort Claims Act;
- Motorist did not establish that police officer's failure to control his speed was reckless, as required not to apply emergency exception to immunity waiver under Tort Claims Act;
- Motorist did not establish that police officer's failure to maintain distance with police vehicle that officer was following was reckless, as required not to apply emergency exception to immunity waiver under Tort Claims Act;
- Motorist did not establish that police officer's inattentiveness leading up to accident was reckless, as required not to apply emergency exception to immunity waiver under Tort Claims Act; and
- Motorist did not establish that combination of police officer's acts was reckless, as required not to apply emergency exception to immunity waiver under Tort Claims Act.