

By: Martinez, Leach, Holland

H.B. No. 2007

A BILL TO BE ENTITLED

AN ACT

relating to a certificate of merit in certain actions against certain licensed or registered professionals.

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

SECTION 1. Section 150.002, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (i) to read as follows:

(a) Except as provided by Subsection (i), in ~~in~~ any action or arbitration proceeding for damages arising out of the provision of professional services by a licensed or registered professional, a claimant shall be required to file with the complaint an affidavit of a third-party licensed architect, licensed professional engineer, registered landscape architect, or registered professional land surveyor who:

(1) is competent to testify;

(2) holds the same professional license or registration as the defendant; and

(3) practices in the area of practice of the defendant and offers testimony based on the person's:

(A) knowledge;

(B) skill;

(C) experience;

(D) education;

(E) training; and

1 (F) practice.

2 (i) A third-party plaintiff that is a design-build firm or a
3 design-build team, or an architect, engineer, or other member of a
4 design-build firm or design-build team, is not required to file an
5 affidavit described by Subsection (a) in connection with filing a
6 third-party claim or cross-claim against a licensed or registered
7 professional if the action or arbitration proceeding arises out of
8 a design-build project in which a governmental entity contracts
9 with a single entity to provide both design and construction
10 services for the construction, expansion, extension,
11 rehabilitation, alteration, or repair of a facility, a building or
12 associated structure, a civil works project, or a highway project.

13 SECTION 2. The change in law made by this Act applies only
14 to an action commenced on or after the effective date of this Act.
15 An action commenced before the effective date of this Act is
16 governed by the law as it existed immediately before the effective
17 date of this Act, and that law is continued in effect for that
18 purpose.

19 SECTION 3. This Act takes effect September 1, 2023.