

By: Leach

H.B. No. 3156

Substitute the following for H.B. No. 3156:

By: Murr

C.S.H.B. No. 3156

A BILL TO BE ENTITLED

1 AN ACT
2 relating to liability of professional firms performing
3 construction monitoring and inspection services for the Texas
4 Department of Transportation.

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

6 SECTION 1. Chapter 97, Civil Practice and Remedies Code, is
7 amended by adding Section 97.003 to read as follows:

8 Sec. 97.003. LIMIT ON LIABILITY OF CONSTRUCTION MONITORING
9 AND INSPECTION SERVICES. (a) A professional firm or an officer or
10 employee of a professional firm that provides monitoring and
11 inspection services for the Texas Department of Transportation as a
12 consultant or subconsultant to the department to monitor and
13 inspect the work on a transportation construction or maintenance
14 project performed by a contractor is not liable to a claimant for
15 personal injury, property damage, or death arising from an action
16 that:

17 (1) is performed in the course and scope of the firm's
18 duties to the department to ensure that the project is constructed
19 in conformity with the project's plans, specifications, and
20 contract provisions; and

21 (2) does not involve gross negligence or willful and
22 wanton misconduct by the firm.

23 (b) This section applies only to a professional firm
24 providing monitoring and inspection services for the Texas

1 Department of Transportation. This section does not apply to a
2 professional firm engaged by the department for the design or
3 construction of a transportation construction or maintenance
4 project.

5 SECTION 2. The change in law made by this Act applies only
6 to a cause of action that accrues on or after the effective date of
7 this Act.

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