

BILL ANALYSIS

Senate Research Center

H.B. 823
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, architects and engineers are not protected from civil liability when they volunteer their services during, or in response to, a government-declared disaster.

H.B. 823 provides that licensed architects and engineers are not civilly liable due to a fault in the performance of services during a government-declared disaster unless the fault results from gross negligence or wilful, wanton, or intentional misconduct.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 150, Civil Practice and Remedies Code, by adding Section 150.003, as follows:

Sec. 150.003. **LIABILITY FOR SERVICES RENDERED DURING DISASTER.** (a) Sets forth the conditions, related to the provision of services during certain declared federal, state, or local emergencies, under which this section applies to licensed or registered professionals (professionals) who provide architectural or engineering services.

(b) Provides that a professional providing services subject to this section is not liable for civil damages due to an act, error, or omission in the performance of services, unless the act, error, or omission constitutes gross negligence or wanton, wilful, or intentional misconduct.

(c) Provides that this section does not apply to a professional who is at a scene of an emergency to solicit business or perform a service for compensation on behalf of a professional or a person for whom the professional is an agent.

(d) Provides that the entitlement of a professional to receive compensation for services to which this section applies does not determine whether the services provided by the professional were provided voluntarily and without compensation or the expectation of compensation.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.