

By: Ritter

H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the liability of certain licensed or registered
3 professionals for damages arising from certain services provided
4 during an emergency.

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

6 SECTION 1. Chapter 150, Civil Practice and Remedies Code,
7 is amended by adding Section 150.003 to read as follows:

8 Sec. 150.003. LIABILITY FOR SERVICES RENDERED DURING
9 DISASTER. (a) This section applies only to a licensed or
10 registered professional who provides architectural or engineering
11 services if the services:

12 (1) subject to Subsection (d), are provided
13 voluntarily and without compensation or the expectation of
14 compensation;

15 (2) are related to a declared federal, state, or local
16 emergency caused by a major earthquake, hurricane, tornado, fire,
17 explosion, collapse, flood, or other similar disaster or
18 catastrophic event;

19 (3) are provided at the request or with the approval of
20 a federal, state, or local public official acting in an official
21 capacity, including a law enforcement official, public safety
22 official, or building inspection official; and

23 (4) are related to a structure, building, roadway,
24 pipng, or other system, either publicly or privately owned.

1 (b) A licensed or registered professional who provides the
2 services to which this section applies does not violate a standard
3 of care that would subject the professional to liability for civil
4 damages, including personal injury, wrongful death, property
5 damage, or other loss related to the professional's act, error, or
6 omission in the performance of the services, unless the act, error,
7 or omission constitutes:

8 (1) gross negligence; or

9 (2) wanton, wilful, or intentional misconduct.

10 (c) This section does not apply to a licensed or registered
11 professional who is at the scene of the emergency to solicit
12 business or perform a service for compensation on behalf of the
13 professional or a person for whom the professional is an agent.

14 (d) The entitlement of a licensed or registered
15 professional to receive compensation for services to which this
16 section applies does not determine whether the services provided by
17 the professional were provided voluntarily and without
18 compensation or the expectation of compensation.

19 SECTION 2. This Act applies only to a cause of action that
20 accrues on or after the effective date of this Act. An action that
21 accrued before the effective date of this Act is governed by the law
22 applicable to the action immediately before the effective date of
23 this Act, and that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 823

1 Act takes effect September 1, 2007.