

By: Wentworth

S.B. No. 177

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the liability of licensed professional engineers for
3 damages arising from certain services provided during an emergency.

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

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

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

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

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

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

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

23 (b) A licensed professional engineer who provides the
24 services to which this section applies does not violate a standard

1 of care that would subject the engineer to liability for civil
2 damages, including personal injury, wrongful death, property
3 damage, or other loss related to the engineer's act, error, or
4 omission in the performance of the services, unless the act, error,
5 or omission constitutes:

6 (1) gross negligence; or

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

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

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

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

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2007.