

House Bill 823
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(1) are authorized, as appropriate for the professional, in:

(A) Chapter 1001, Occupations Code;

(B) Chapter 1051, Occupations Code;

(C) 22 T.A.C. Part 6 (Texas Board of Professional Engineers), Chapter 137 (Compliance and Professionalism); and

(D) 22 T.A.C. Part 1 (Texas Board of Architectural Examiners), Chapter 1 (Architects), Subchapter H (Professional Conduct);

(2) subject to Subsection (d), are provided voluntarily and without compensation or the expectation of compensation;

(3) are in response to and provided during the duration of a proclaimed state of emergency under Section 433.001, Government Code, or a declared state of disaster under Section 418.014, Government Code;

(4) are provided at the request or with the approval of a federal, state, or local public official acting in an official capacity in response to the proclaimed state of emergency or declared disaster, including a law enforcement official, public safety official, or building

SENATE VERSION

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inspection official; and
(5) are related to a structure, building, roadway, piping,
or other system, either publicly or privately owned, other
than a single-family residence.

(b) A licensed or registered professional who provides
the services to which this section applies is not liable for
civil damages, including personal injury, wrongful death,
property damage, or other loss related to the
professional's act, error, or omission in the performance
of the services, unless the act, error, or omission
constitutes:

(1) gross negligence; or

(2) wanton, wilful, or intentional misconduct.

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

(d) The entitlement of a licensed or registered
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. This Act applies only to a cause of action that occurred on or after the effective date of this Act. An action that occurred before the effective date of this Act is governed by the law applicable to the action

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immediately before the effective date of this Act, and that law is continued in effect for that purpose.

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

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Same as House version.

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