

By: S. Davis of Harris

H.B. No. 1354

A BILL TO BE ENTITLED

AN ACT

relating to liability of certain certified municipal inspectors for services rendered during an emergency or disaster.

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

SECTION 1. Section 150.001, Civil Practice and Remedies Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1) "Certified municipal inspector" means an individual who is employed full-time by a political subdivision and is currently:

(A) certified by a national model code group; or

(B) licensed as a plumbing inspector, as defined by Section 1301.002, Occupations Code.

(1-a) "Licensed or registered professional" means a licensed architect, licensed professional engineer, registered professional land surveyor, registered landscape architect, or any firm in which such licensed or registered professional practices, including but not limited to a corporation, professional corporation, limited liability corporation, partnership, limited liability partnership, sole proprietorship, joint venture, or any other business entity.

(1-b) "National model code group" means an organization consisting of industry and government fire and building safety officials that develops and promulgates a national

1 model code, as defined by Section 214.217, Local Government Code.

2 SECTION 2. Chapter 150, Civil Practice and Remedies Code,  
3 is amended by adding Section 150.004 to read as follows:

4 Sec. 150.004. LIABILITY FOR SERVICES RENDERED BY CERTIFIED  
5 MUNICIPAL INSPECTOR DURING EMERGENCY OR DISASTER. (a) This section  
6 applies only to a certified municipal inspector who provides  
7 inspection services if the services:

8 (1) are authorized by the scope of the inspector's:

9 (A) national model code group certification; or

10 (B) plumbing inspector's license under Chapter  
11 1301, Occupations Code;

12 (2) are provided voluntarily and without compensation  
13 or the expectation of compensation from any source other than the  
14 inspector's full-time employment with a municipality;

15 (3) are in response to and provided during the  
16 duration of a proclaimed state of emergency under Section 433.001,  
17 Government Code, or a declared state of disaster under Section  
18 418.014, Government Code;

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

24 (5) are related to a structure, building, premises,  
25 piping, or other system, either publicly or privately owned.

26 (b) A certified municipal inspector who provides the  
27 services to which this section applies is not liable for civil

1 damages, including personal injury, wrongful death, property  
2 damage, or other loss related to the inspector's act, error, or  
3 omission in the performance of the services, unless the act, error,  
4 or omission constitutes:

5           (1) gross negligence; or

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

7           SECTION 3. This Act applies only to a cause of action that  
8 accrues on or after the effective date of this Act. A cause of  
9 action that accrues before the effective date of this Act is  
10 governed by the law applicable to the cause of action immediately  
11 before the effective date of this Act, and that law is continued in  
12 effect for that purpose.

13           SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2011.