

1-1 By: S. Davis of Harris (Senate Sponsor - Ellis) H.B. No. 403  
 1-2 (In the Senate - Received from the House April 22, 2013;  
 1-3 April 24, 2013, read first time and referred to Committee on State  
 1-4 Affairs; May 7, 2013, reported favorably by the following vote:  
 1-5 Yeas 8, Nays 0; May 7, 2013, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 |     |     | X      |     |
| 1-15 | X   |     |        |     |
| 1-16 | X   |     |        |     |

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to liability of certain certified municipal inspectors for  
 1-20 services rendered during an emergency or disaster.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 150.001, Civil Practice and Remedies  
 1-23 Code, is amended by amending Subdivision (1) and adding  
 1-24 Subdivisions (1-a) and (1-b) to read as follows:

1-25 (1) "Certified municipal inspector" means an  
 1-26 individual who is employed full-time by a political subdivision and  
 1-27 is currently:

1-28 (A) certified by a national model code group; or  
 1-29 (B) licensed as a plumbing inspector, as defined  
 1-30 by Section 1301.002, Occupations Code.

1-31 (1-a) "Licensed or registered professional" means a  
 1-32 licensed architect, licensed professional engineer, registered  
 1-33 professional land surveyor, registered landscape architect, or any  
 1-34 firm in which such licensed or registered professional practices,  
 1-35 including but not limited to a corporation, professional  
 1-36 corporation, limited liability corporation, partnership, limited  
 1-37 liability partnership, sole proprietorship, joint venture, or any  
 1-38 other business entity.

1-39 (1-b) "National model code group" means an  
 1-40 organization consisting of industry and government fire and  
 1-41 building safety officials that develops and promulgates a national  
 1-42 model code, as defined by Section 214.217, Local Government Code.

1-43 SECTION 2. Chapter 150, Civil Practice and Remedies Code,  
 1-44 is amended by adding Section 150.004 to read as follows:

1-45 Sec. 150.004. LIABILITY FOR SERVICES RENDERED BY CERTIFIED  
 1-46 MUNICIPAL INSPECTOR DURING EMERGENCY OR DISASTER. (a) This  
 1-47 section applies only to a certified municipal inspector who  
 1-48 provides inspection services if the services:

1-49 (1) are authorized by the scope of the inspector's:

1-50 (A) national model code group certification; or

1-51 (B) plumbing inspector's license under Chapter  
 1-52 1301, Occupations Code;

1-53 (2) are provided voluntarily and without compensation  
 1-54 or the expectation of compensation from any source;

1-55 (3) are in response to and provided during the  
 1-56 duration of a proclaimed state of emergency under Section 433.001,  
 1-57 Government Code, or a declared state of disaster under Section  
 1-58 418.014, Government Code;

1-59 (4) are provided at the request or with the approval of  
 1-60 a federal, state, or local public official acting in an official  
 1-61 capacity in response to the proclaimed state of emergency or

2-1 declared disaster, including a law enforcement official, public  
2-2 safety official, or building inspection official; and

2-3 (5) are related to a structure, building, premises,  
2-4 pipng, or other system, either publicly or privately owned.

2-5 (b) A certified municipal inspector who provides the  
2-6 services to which this section applies is not liable for civil  
2-7 damages, including personal injury, wrongful death, property  
2-8 damage, or other loss related to the inspector's act, error, or  
2-9 omission in the performance of the services, unless the act, error,  
2-10 or omission constitutes:

2-11 (1) gross negligence; or

2-12 (2) wanton, wilful, or intentional misconduct.

2-13 SECTION 3. This Act applies only to a cause of action that  
2-14 accrues on or after the effective date of this Act. A cause of  
2-15 action that accrues before the effective date of this Act is  
2-16 governed by the law applicable to the cause of action immediately  
2-17 before the effective date of this Act, and that law is continued in  
2-18 effect for that purpose.

2-19 SECTION 4. This Act takes effect immediately if it receives  
2-20 a vote of two-thirds of all the members elected to each house, as  
2-21 provided by Section 39, Article III, Texas Constitution. If this  
2-22 Act does not receive the vote necessary for immediate effect, this  
2-23 Act takes effect September 1, 2013.

2-24 \* \* \* \* \*