

BILL ANALYSIS

H.B. 2899
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that there may be inadequate protections for contractors from civil liability and responsibility for damages resulting from deficiencies, errors, or omissions in a design prepared by a governmental entity or a contracted third party for the construction, repair, or improvement of a road or highway. H.B. 2899 seeks to address this issue by providing that a contractor is not civilly liable or otherwise responsible for any damage caused by those defects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2899 amends the Transportation Code to establish that a contractor, as defined by the bill, who enters into a contract under the bill's provisions with a governmental entity, as defined by the bill, is not civilly liable or otherwise responsible for the accuracy, adequacy, sufficiency, suitability, or feasibility of any project specifications and is not liable for any damage that is caused by a defect in those project specifications or caused by the errors, omissions, or negligent acts of a governmental entity, or of a third party retained by a governmental entity under separate contract, in the rendition or conduct of professional duties arising out of or related to the project specifications. The bill defines "contract" and "project specifications."

H.B. 2899 establishes that a covenant or promise in a contract governed by the bill's provisions is void and unenforceable to the extent it conflicts with the bill's provisions. The bill's provisions apply to a governmental entity authorized by state law to make a contract and to any contractor with whom a governmental entity enters into a contract.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.