

By: Darby

H.B. No. 1211

A BILL TO BE ENTITLED

AN ACT

relating to certain agreements by architects and engineers in or in connection with certain construction contracts.

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

SECTION 1. The heading to Chapter 130, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 130. LIABILITY PROVISIONS [~~INDEMNIFICATION~~] IN CERTAIN CONSTRUCTION CONTRACTS

SECTION 2. Section 130.002(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) A covenant or promise in, in connection with, or collateral to a construction contract other than a contract for a single family or multifamily residence is void and unenforceable if the covenant or promise provides for a registered architect or licensed engineer whose engineering or architectural design services are the subject of the construction contract to defend, indemnify, or hold harmless an owner or owner's agent or employee from liability for damage that is caused by or results from the negligence of a person other than the architect or engineer [~~an owner or an owner's agent or employee~~].

SECTION 3. Chapter 130, Civil Practice and Remedies Code, is amended by adding Section 130.0021 to read as follows:

Sec. 130.0021. ENGINEER'S OR ARCHITECT'S STANDARD OF CARE.

A contract for engineering or architectural services must require a

1 licensed engineer or registered architect to perform services with  
2 the professional skill and care ordinarily provided by competent  
3 engineers or architects practicing under the same or similar  
4 circumstances and professional license.

5       SECTION 4. Section 130.002, Civil Practice and Remedies  
6 Code, as amended by this Act, applies only to a covenant or promise  
7 in, in connection with, or collateral to a construction contract  
8 entered into on or after the effective date of this Act. A covenant  
9 or promise in, in connection with, or collateral to a construction  
10 contract entered into before the effective date of this Act is  
11 governed by the law applicable to the covenant or promise  
12 immediately before the effective date of this Act, and that law is  
13 continued in effect for that purpose.

14       SECTION 5. Section 130.0021, Civil Practice and Remedies  
15 Code, as added by this Act, applies only to a contract entered into  
16 on or after the effective date of this Act.

17       SECTION 6. This Act takes effect September 1, 2019.