

1-1 By: Leach, et al. (Senate Sponsor - Hinojosa) H.B. No. 2899
 1-2 (In the Senate - Received from the House May 1, 2019;
 1-3 May 1, 2019, read first time and referred to Committee on
 1-4 Transportation; May 8, 2019, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 8, 2019, 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 civil liability and responsibility for defects in the
 1-20 plans, specifications, or other documents for the construction or
 1-21 repair of roads, highways, and related improvements.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle Z, Title 6, Transportation Code, is
 1-24 amended by adding Chapter 473 to read as follows:

1-25 CHAPTER 473. RESPONSIBILITY FOR DEFECTS IN PLANS AND
 1-26 SPECIFICATIONS

1-27 Sec. 473.001. DEFINITIONS. In this chapter:

1-28 (1) "Contract" means a contract for the construction
 1-29 or repair of a road or highway of any number of lanes, with or
 1-30 without grade separation, owned or operated by a governmental
 1-31 entity and any improvement, extension, or expansion to that road or
 1-32 highway, including:

1-33 (A) an improvement to relieve traffic congestion
 1-34 and promote safety;

1-35 (B) a bridge, tunnel, overpass, underpass,
 1-36 interchange, service road ramp, entrance plaza, approach, or
 1-37 tollhouse; and

1-38 (C) a parking area or structure, rest stop, park,
 1-39 or other improvement or amenity the governmental entity considers
 1-40 necessary, useful, or beneficial for the operation of a road or
 1-41 highway.

1-42 (2) "Contractor" means a person who is required to
 1-43 perform work under a contract.

1-44 (3) "Governmental entity" means:

1-45 (A) the Texas Department of Transportation; or

1-46 (B) any political subdivision of the state that
 1-47 is acting under Chapter 284, 366, 370, or 431.

1-48 (4) "Project specifications" means plans, reports,
 1-49 designs, or specifications prepared by a governmental entity or by
 1-50 a third party retained by a governmental entity under a separate
 1-51 contract.

1-52 Sec. 473.002. APPLICABILITY. This chapter applies to a
 1-53 governmental entity authorized by state law to make a contract and
 1-54 to any contractor with whom a governmental entity enters into a
 1-55 contract.

1-56 Sec. 473.003. LIMITATION ON CONTRACTOR'S RESPONSIBILITY
 1-57 FOR CERTAIN DEFECTS. (a) A contractor who enters into a contract
 1-58 with a governmental entity is not civilly liable or otherwise
 1-59 responsible for the accuracy, adequacy, sufficiency, suitability,
 1-60 or feasibility of any project specifications and is not liable for
 1-61 any damage to the extent caused by:

