

By: Hughes

S.B. No. 771

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 an owner or an owner's agent or employee.

SECTION 3. Section 130.002, Civil Practice and Remedies Code, as amended by this Act, applies only to a covenant or promise in, in connection with, or collateral to a construction contract entered into on or after the effective date of this Act. A covenant or promise in, in connection with, or collateral to a construction

1 contract entered into before the effective date of this Act is
2 governed by the law applicable to the covenant or promise
3 immediately before the effective date of this Act, and the law is
4 continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2019.