

BILL ANALYSIS

Senate Research Center
87R20617 BRG-D

H.B. 3162
By: Martinez (Lucio)
State Affairs
5/19/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, the Texas Legislature enacted legislation that extended the certificate of merit requirement for plaintiffs who file suit against certain licensed or registered professionals to all claimants who file such suits. An unintended consequence of that legislation was that it created problems for design-build projects because it forced some parties to admit liability in order to deny liability and has led to insurance coverage issues. H.B. 3162 seeks to address this unintended consequence by exempting design-build projects from the certificate of merit requirements in certain suits.

H.B. 3162 amends current law relating to a certificate of merit in certain actions against certain licensed or registered professionals.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 150.002, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (i), as follows:

(a) Requires that a claimant, except as provided by Subsection (i), in any action or arbitration proceeding for damages arising out of the provision of professional services by a licensed or registered professional, be required to file with the complaint an affidavit of a third-party licensed architect, licensed professional engineer, registered landscape architect, or registered professional land surveyor who meets certain criteria.

(i) Provides that a third-party plaintiff that is a design-builder or design-build firm is not required to file an affidavit described by Subsection (a) in connection with filing a third-party claim or cross-claim against a licensed or registered professional if the action or arbitration proceeding arises out of a design-build project in which a governmental entity contracts with a single entity to provide both design and construction services for the construction, expansion, extension, rehabilitation, alteration, or repair of a facility, a building or associated structure, a civil works project, or a highway project.

Makes a nonsubstantive change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.