

By: Martinez

H.B. No. 3162

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a certificate of merit in certain actions against
3 certain licensed or registered professionals.

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

5 SECTION 1. Section 150.002, Civil Practice and Remedies
6 Code, is amended by amending Subsection (a) and adding Subsection
7 (i) to read as follows:

8 (a) Except as provided by Subsection (i), in [~~In~~] any action
9 or arbitration proceeding for damages arising out of the provision
10 of professional services by a licensed or registered professional,
11 a claimant shall be required to file with the complaint an affidavit
12 of a third-party licensed architect, licensed professional
13 engineer, registered landscape architect, or registered
14 professional land surveyor who:

15 (1) is competent to testify;

16 (2) holds the same professional license or
17 registration as the defendant; and

18 (3) practices in the area of practice of the defendant
19 and offers testimony based on the person's:

20 (A) knowledge;

21 (B) skill;

22 (C) experience;

23 (D) education;

24 (E) training; and

1 (F) practice.

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

12 SECTION 2. The change in law made by this Act applies only
13 to an action commenced on or after the effective date of this Act.
14 An action commenced before the effective date of this Act is
15 governed by the law as it existed immediately before the effective
16 date of this Act, and that law is continued in effect for that
17 purpose.

18 SECTION 3. This Act takes effect September 1, 2021.