

1-1 By: Martinez, Leach, Holland H.B. No. 2007
 1-2 (Senate Sponsor - Parker)
 1-3 (In the Senate - Received from the House April 24, 2023;
 1-4 April 24, 2023, read first time and referred to Committee on State
 1-5 Affairs; May 5, 2023, reported favorably by the following vote:
 1-6 Yeas 11, Nays 0; May 5, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
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	X			
1-18	X			
1-19	X			

1-20 A BILL TO BE ENTITLED
 1-21 AN ACT

1-22 relating to a certificate of merit in certain actions against
 1-23 certain licensed or registered professionals.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 150.002, Civil Practice and Remedies
 1-26 Code, is amended by amending Subsection (a) and adding Subsection
 1-27 (i) to read as follows:

1-28 (a) Except as provided by Subsection (i), in [In] any action
 1-29 or arbitration proceeding for damages arising out of the provision
 1-30 of professional services by a licensed or registered professional,
 1-31 a claimant shall be required to file with the complaint an affidavit
 1-32 of a third-party licensed architect, licensed professional
 1-33 engineer, registered landscape architect, or registered
 1-34 professional land surveyor who:

1-35 (1) is competent to testify;

1-36 (2) holds the same professional license or
 1-37 registration as the defendant; and

1-38 (3) practices in the area of practice of the defendant
 1-39 and offers testimony based on the person's:

1-40 (A) knowledge;

1-41 (B) skill;

1-42 (C) experience;

1-43 (D) education;

1-44 (E) training; and

1-45 (F) practice.

1-46 (i) A third-party plaintiff that is a design-build firm or a
 1-47 design-build team, or an architect, engineer, or other member of a
 1-48 design-build firm or design-build team, is not required to file an
 1-49 affidavit described by Subsection (a) in connection with filing a
 1-50 third-party claim or cross-claim against a licensed or registered
 1-51 professional if the action or arbitration proceeding arises out of
 1-52 a design-build project in which a governmental entity contracts
 1-53 with a single entity to provide both design and construction
 1-54 services for the construction, expansion, extension,
 1-55 rehabilitation, alteration, or repair of a facility, a building or
 1-56 associated structure, a civil works project, or a highway project.

1-57 SECTION 2. The change in law made by this Act applies only
 1-58 to an action commenced on or after the effective date of this Act.
 1-59 An action commenced before the effective date of this Act is
 1-60 governed by the law as it existed immediately before the effective
 1-61 date of this Act, and that law is continued in effect for that

2-1 purpose.

2-2 SECTION 3. This Act takes effect September 1, 2023.

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