

## **BILL ANALYSIS**

Senate Research Center  
89R1463 MZM-F

S.B. 687  
By: Hughes  
State Affairs  
2/21/2025  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Large construction contracts sometimes include third party liability clauses. These clauses are designed to make subcontractors such as land surveyors, architects, and engineers liable for the negligence of third parties working on the same project. In these contracts, subcontractors such as land surveyors can thus be held liable for negligence for which they are not in any way responsible. Further, third party liability is often uninsurable, so these subcontractors have no way to protect themselves under these contracts.

For this reason, the 87th Legislature overwhelmingly passed H.B. 2116, which invalidated contract provisions that made architects and engineers liable for the negligence of third parties in certain construction contracts. S.B. 687 extends those same protections to land surveyors. Upon passage of this bill, land surveyors would be responsible only for their own negligence, not anyone else's.

As proposed, S.B. 687 amends current law relating to liability for land surveying services in or in connection with certain construction or services contracts.

### **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 130.001, Civil Practice and Remedies Code, as follows:

Sec. 130.001. New heading: DEFINITIONS. Redefines "construction contract" and defines "land surveyor."

SECTION 2. Amends Sections 130.002(a), (b), (c), (d), and (f), Civil Practice and Remedies Code, as follows:

(a) Provides that a covenant or promise in, in connection with, or collateral to a construction contract is void and unenforceable if the covenant or promise provides for a contractor who is to perform the work that is the subject of the construction contract to indemnify or hold harmless a registered architect, licensed engineer, or land surveyor, or an agent, servant, or employee of a registered architect, licensed engineer, or land surveyor from liability for damage that:

(1) makes a conforming change to this subdivision; and

(2) makes no changes to this subdivision.

(b)-(f) Makes conforming changes to these subsections.

SECTION 3. Amends the heading to Section 130.0021, Civil Practice and Remedies Code, to read as follows:

Sec. 130.0021. ARCHITECT'S, ENGINEER'S, OR LAND SURVEYOR'S STANDARD OF CARE.

SECTION 4. Amends Sections 130.0021(a) and (b), Civil Practice and Remedies Code, to make conforming changes.

SECTION 5. Amends Section 130.004(b), Civil Practice and Remedies Code, to make conforming changes.

SECTION 6. Amends Section 130.005, Civil Practice and Remedies Code, to make conforming changes.

SECTION 7. Amends Section 271.904, Local Government Code, as follows:

Sec. 271.904. New heading: ENGINEERING, ARCHITECTURAL, OR LAND SURVEYING SERVICES CONTRACTS: INDEMNIFICATION LIMITATIONS; DUTIES OF ENGINEER, ARCHITECT, OR LAND SURVEYOR. (a) Provides that a covenant or promise in relation to a contract for certain professional services, including land surveying services, to which a government agency is a party is void and unenforceable in certain instances. Makes a conforming change.

(b)-(e) Makes conforming changes to these subsections.

(f) Defines "land surveyor" and makes nonsubstantive changes.

(g) Makes a conforming change to this subsection.

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2025.