

1 AN ACT

2 relating to the liability of certain licensed or registered  
3 professionals for damages arising from certain services provided  
4 during an emergency.

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

6 SECTION 1. Chapter 150, Civil Practice and Remedies Code,  
7 is amended by adding Section 150.003 to read as follows:

8 Sec. 150.003. LIABILITY FOR SERVICES RENDERED DURING  
9 DISASTER. (a) This section applies only to a licensed or  
10 registered professional who provides architectural or engineering  
11 services if the services:

12 (1) are authorized, as appropriate for the  
13 professional, in:

14 (A) Chapter 1001, Occupations Code;

15 (B) Chapter 1051, Occupations Code;

16 (C) 22 T.A.C. Part 6 (Texas Board of Professional  
17 Engineers), Chapter 137 (Compliance and Professionalism); and

18 (D) 22 T.A.C. Part 1 (Texas Board of  
19 Architectural Examiners), Chapter 1 (Architects), Subchapter H  
20 (Professional Conduct);

21 (2) subject to Subsection (d), are provided  
22 voluntarily and without compensation or the expectation of  
23 compensation;

24 (3) are in response to and provided during the

1 duration of a proclaimed state of emergency under Section 433.001,  
2 Government Code, or a declared state of disaster under Section  
3 418.014, Government Code;

4 (4) are provided at the request or with the approval of  
5 a federal, state, or local public official acting in an official  
6 capacity in response to the proclaimed state of emergency or  
7 declared disaster, including a law enforcement official, public  
8 safety official, or building inspection official; and

9 (5) are related to a structure, building, roadway,  
10 piping, or other system, either publicly or privately owned.

11 (b) A licensed or registered professional who provides the  
12 services to which this section applies is not liable for civil  
13 damages, including personal injury, wrongful death, property  
14 damage, or other loss related to the professional's act, error, or  
15 omission in the performance of the services, unless the act, error,  
16 or omission constitutes:

17 (1) gross negligence; or

18 (2) wanton, wilful, or intentional misconduct.

19 (c) This section does not apply to a licensed or registered  
20 professional who is at the scene of the emergency to solicit  
21 business or perform a service for compensation on behalf of the  
22 professional or a person for whom the professional is an agent.

23 (d) The entitlement of a licensed or registered  
24 professional to receive compensation for services to which this  
25 section applies does not determine whether the services provided by  
26 the professional were provided voluntarily and without  
27 compensation or the expectation of compensation.

1           SECTION 2. This Act applies only to a cause of action that  
2 occurred on or after the effective date of this Act. An action that  
3 occurred before the effective date of this Act is governed by the  
4 law applicable to the action immediately before the effective date  
5 of this Act, and that law is continued in effect for that purpose.

6           SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect September 1, 2007.

David Newkirk

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 823 was passed by the House on March 22, 2007, by the following vote: Yeas 145, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 823 on May 7, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 823 was passed by the Senate, with amendments, on May 3, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Sew  
Secretary of the Senate

APPROVED: 18 MAY 07

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:00 PM O'CLOCK

MAY 18 2007

Roger Winnie