

1-1 By: Phelan, et al. (Senate Sponsor - Hughes) H.B. No. 3021
 1-2 (In the Senate - Received from the House May 15, 2017;
 1-3 May 15, 2017, read first time and referred to Committee on Business
 1-4 & Commerce; May 21, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 21, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to indemnification and duties of engineers and architects
 1-20 under certain governmental contracts.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 2254.0031, Government Code, is amended
 1-23 to read as follows:

1-24 Sec. 2254.0031. INDEMNIFICATION. (a) A state governmental
 1-25 entity may require a contractor selected under this subchapter to
 1-26 indemnify or hold harmless the state from claims and liabilities
 1-27 resulting from the negligent acts or omissions of the contractor or
 1-28 persons employed by the contractor. A state governmental entity
 1-29 may not require a contractor to indemnify, ~~or~~ hold harmless, or
 1-30 defend the state for claims or liabilities resulting from the
 1-31 negligent acts or omissions of the state governmental entity or its
 1-32 employees.

1-33 (b) Notwithstanding any other provision of law, Sections
 1-34 271.904(a)-(e) and (g), Local Government Code, apply to a contract
 1-35 for architectural or engineering services between an architect or
 1-36 engineer selected under this subchapter and a state agency as
 1-37 defined by Section 2052.101.

1-38 SECTION 2. Section 271.904, Local Government Code, is
 1-39 amended by amending Subsection (d) and adding Subsection (g) to
 1-40 read as follows:

1-41 (d) A contract for engineering or architectural services to
 1-42 which a governmental agency is a party must require a licensed
 1-43 engineer or registered architect to perform services:

1-44 (1) with the professional skill and care ordinarily
 1-45 provided by competent engineers or architects practicing ~~[in the~~
 1-46 ~~same or similar locality and]~~ under the same or similar
 1-47 circumstances and professional license; and

1-48 (2) as expeditiously as is prudent considering the
 1-49 ordinary professional skill and care of a competent engineer or
 1-50 architect.

1-51 (g) Nothing in this section prohibits a governmental agency
 1-52 in a contract for engineering or architectural services to which
 1-53 the governmental agency is a party from including and enforcing
 1-54 conditions that relate to the scope, fees, and schedule of a project
 1-55 in the contract.

1-56 SECTION 3. Section 2254.0031, Government Code, as amended
 1-57 by this Act, applies only to a contract for which a request for
 1-58 proposals or a request for qualifications is first published or
 1-59 distributed on or after the effective date of this Act. A contract
 1-60 for which a request for proposals or a request for qualifications is
 1-61 first published or distributed before the effective date of this

2-1 Act is governed by the law in effect on the date the request was
2-2 published or distributed, and the former law is continued in effect
2-3 for that purpose.

2-4 SECTION 4. This Act takes effect September 1, 2017.

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