

## **BILL ANALYSIS**

Senate Research Center  
79R3845 DAK-F

S.B. 490  
By: Estes  
State Affairs  
2/25/2005  
As Filed

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

Currently, the Civil Practice and Remedies Code provides that, in any action for damages alleging professional negligence by a registered architect or a licensed professional engineer, the plaintiff is required to file with the complaint an affidavit of a third-party registered architect or licensed professional engineer who is competent to testify and who practices in the same area of practice as the defendant. The affidavit is required to specifically set forth at least one negligent act, error, or omission claimed to exist and the factual basis for such a claim. However, this requirement does not apply to an action for damages alleging professional negligence against a registered professional land surveyor, who typically provides professional services as part of a team that designs improvements to real property.

As proposed, S.B. 490 adds professional land surveyors to the provisions of Sections 150.001 and 150.002, Civil Practices and Remedies Code.

### **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 150.001, Civil Practice and Remedies Code, to define "licensed or registered professional," rather than "design professional."

SECTION 2. Amends Sections 150.002(a) and (b), Civil Practice and Remedies Code, to make conforming changes.

SECTION 3. Amends the heading to Chapter 150, Civil Practice and Remedies Code, to make a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2005.