

## **BILL ANALYSIS**

Senate Research Center  
80R3238 DAK-D

S.B. 177  
By: Wentworth  
State Affairs  
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As Filed

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

Current law provides that customary standards of negligence apply to volunteer licensed professional engineers. During recent natural disasters professional engineers who volunteered and were requested by governmental authority to render services were subject to liability for their actions.

As proposed, S.B. 177 provides volunteer licensed professional engineers limited civil liability for services rendered in the wake of a declared emergency and with the approval of a governmental official acting in an official capacity.

### **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 Chapter 150, Civil Practice and Remedies Code, by adding Section 150.003, as follows:

Sec. 150.003. LIABILITY FOR SERVICES RENDERED DURING DISASTER. (a) Provides that this section applies only to a licensed professional engineer engaged in certain activities during an emergency.

(b) Exempts a licensed professional engineer from liability for violation of a standard of care when engaged in services under this section except in the event of gross negligence or wanton, wilful, or intentional misconduct.

(c) Provides that this section does not apply to a licensed professional engineer who is at the scene of an emergency to solicit business or perform a service on behalf of the engineer or a person the engineer is an agent for.

(d) Provides that the entitlement of a licensed professional engineer to compensation for services under this section does not determine whether those services were voluntary and without compensation or the expectation of compensation.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2007.