

BILL ANALYSIS

H.B. 2440
By: Krause
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that statutory requirements relating to actions brought against certain licensed professionals should be revised to bolster the factual basis of such actions. H.B. 2440 seeks to provide for revisions to a plaintiff's supporting third-party affidavit in an action or arbitration proceeding for damages arising out of the provision of professional services.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2440 amends the Civil Practice and Remedies Code to revise the provision requiring a plaintiff to file a supporting affidavit of an applicable third-party licensed or registered professional architect, professional engineer, landscape architect, or professional land surveyor in an action or arbitration proceeding for damages arising out of the provision of professional services by a professional as follows:

- by specifying that the third-party professional is a professional who practices in the defendant's area of practice instead of a professional who is knowledgeable in the area of practice; and
- by replacing references to the plaintiff with references to a claimant, defined by the bill as a party, including a plaintiff or third-party plaintiff, seeking recovery for damages, contribution, or indemnification.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.