

**SUBJECT:** Limiting liability for certain professional firms contracted with TxDOT

**COMMITTEE:** Judiciary & Civil Jurisprudence — committee substitute recommended

**VOTE:** 5 ayes — Leach, Murr, Schofield, Slawson, Vasut  
3 nays — Julie Johnson, Davis, Flores  
1 absent — Moody

**WITNESSES:** For — Ken Norrie, American Council of Engineering Companies of Texas (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association; George Christian, Texas Civil Justice League; Al Zito)  
Against — Laura Tamez, Texas Trial Lawyers Association

**BACKGROUND:** Concerns have been raised that certain professional firms contracted with the Texas Department of Transportation (TxDOT) to provide inspection services on transportation construction and maintenance projects have been brought into lawsuits relating to highway construction projects that involve matters outside of their control and purview.

**DIGEST:** Under CSHB 3156, a professional firm or an officer or employee of a professional firm that provided monitoring and inspection services for TxDOT as a consultant or subconsultant to monitor and inspect the work on a transportation construction or maintenance project performed by a contractor would not be liable to a claimant for personal injury, property damage, or death arising from an action that:

- was performed in the course and scope of the firm’s duties to TxDOT to ensure the project was constructed in conformity with the project’s plans, specifications, and contract provisions; and
- did not involve gross negligence or willful and wanton misconduct by the firm.

These provisions would apply only to a professional firm providing monitoring and inspection services for TxDOT and would not apply to a professional firm engaged by the TxDOT for the design or construction of a project.

The changes made by this bill would apply only to a cause of action that accrued on or after the effective date of the bill.

The bill would take effect September 1, 2023.