

1 AN ACT

2 relating to indemnification and duties of engineers and architects  
3 under certain governmental contracts.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section [2254.0031](#), Government Code, is amended  
6 to read as follows:

7 Sec. 2254.0031. INDEMNIFICATION. (a) A state governmental  
8 entity may require a contractor selected under this subchapter to  
9 indemnify or hold harmless the state from claims and liabilities  
10 resulting from the negligent acts or omissions of the contractor or  
11 persons employed by the contractor. A state governmental entity  
12 may not require a contractor to indemnify, ~~or~~ hold harmless, or  
13 defend the state for claims or liabilities resulting from the  
14 negligent acts or omissions of the state governmental entity or its  
15 employees.

16 (b) Notwithstanding any other provision of law, Sections  
17 [271.904](#)(a)-(e) and (g), Local Government Code, apply to a contract  
18 for architectural or engineering services between an architect or  
19 engineer selected under this subchapter and a state agency as  
20 defined by Section [2052.101](#).

21 SECTION 2. Section [271.904](#), Local Government Code, is  
22 amended by amending Subsection (d) and adding Subsection (g) to  
23 read as follows:

24 (d) A contract for engineering or architectural services to

1 which a governmental agency is a party must require a licensed  
2 engineer or registered architect to perform services:

3 (1) with the professional skill and care ordinarily  
4 provided by competent engineers or architects practicing [~~in the~~  
5 ~~same or similar locality and~~] under the same or similar  
6 circumstances and professional license; and

7 (2) as expeditiously as is prudent considering the  
8 ordinary professional skill and care of a competent engineer or  
9 architect.

10 (g) Nothing in this section prohibits a governmental agency  
11 in a contract for engineering or architectural services to which  
12 the governmental agency is a party from including and enforcing  
13 conditions that relate to the scope, fees, and schedule of a project  
14 in the contract.

15 SECTION 3. Section [2254.0031](#), Government Code, as amended  
16 by this Act, applies only to a contract for which a request for  
17 proposals or a request for qualifications is first published or  
18 distributed on or after the effective date of this Act. A contract  
19 for which a request for proposals or a request for qualifications is  
20 first published or distributed before the effective date of this  
21 Act is governed by the law in effect on the date the request was  
22 published or distributed, and the former law is continued in effect  
23 for that purpose.

24 SECTION 4. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3021 was passed by the House on May 12, 2017, by the following vote: Yeas 143, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3021 was passed by the Senate on May 23, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor