

By: Holland

H.B. No. 3069

A BILL TO BE ENTITLED

AN ACT

1
2 relating to statutes of limitation and repose for certain claims
3 involving the construction or repair of an improvement to real
4 property or equipment attached to real property.

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

6 SECTION 1. Section 16.008, Civil Practice and Remedies
7 Code, is amended by amending Subsections (a) and (c) and adding
8 Subsection (a-1) to read as follows:

9 (a) Except as provided by Subsection (a-1), a [A] person
10 must bring suit for damages for a claim listed in Subsection (b)
11 against a registered or licensed architect, engineer, interior
12 designer, or landscape architect in this state, who designs, plans,
13 or inspects the construction of an improvement to real property or
14 equipment attached to real property, not later than 10 years after
15 the substantial completion of the improvement or the beginning of
16 operation of the equipment in an action arising out of a defective
17 or unsafe condition of the real property, the improvement, or the
18 equipment.

19 (a-1) A governmental entity must bring suit for damages for
20 a claim listed in Subsection (b) against a registered or licensed
21 architect, engineer, interior designer, or landscape architect in
22 this state, who designs, plans, or inspects the construction of an
23 improvement to real property or equipment attached to real
24 property, not later than five years after the substantial

1 completion of the improvement or the beginning of operation of the
2 equipment in an action arising out of a defective or unsafe
3 condition of the real property, the improvement, or the equipment.

4 This subsection does not apply to a claim arising out of:

5 (1) a contract entered into by the Texas Department of
6 Transportation;

7 (2) a project that receives money from the state
8 highway fund or a federal fund designated for highway and mass
9 transit spending; or

10 (3) a civil works project, as that term is defined
11 under Section 2269.351, Government Code.

12 (c) If the claimant presents a written claim for damages,
13 contribution, or indemnity to the architect, engineer, interior
14 designer, or landscape architect within the applicable ~~[10-year]~~
15 limitations period, the period is extended for:

16 (1) two years from the date ~~[day]~~ the claim is
17 presented, for a claim to which Subsection (a) applies; or

18 (2) one year from the date the claim is presented, for
19 a claim to which Subsection (a-1) applies.

20 SECTION 2. Section 16.009, Civil Practice and Remedies
21 Code, is amended by amending Subsections (a), (c), and (d) and
22 adding Subsection (a-1) to read as follows:

23 (a) Except as provided by Subsection (a-1), a [A] claimant
24 must bring suit for damages for a claim listed in Subsection (b)
25 against a person who constructs or repairs an improvement to real
26 property not later than 10 years after the substantial completion
27 of the improvement in an action arising out of a defective or unsafe

1 condition of the real property or a deficiency in the construction
2 or repair of the improvement.

3 (a-1) A governmental entity must bring suit for damages for
4 a claim listed in Subsection (b) against a person who constructs or
5 repairs an improvement to real property not later than five years
6 after the substantial completion of the improvement in an action
7 arising out of a defective or unsafe condition of the real property
8 or a deficiency in the construction or repair of the improvement.

9 This subsection does not apply to a claim arising out of:

10 (1) a contract entered into by the Texas Department of
11 Transportation;

12 (2) a project that receives money from the state
13 highway fund or a federal fund designated for highway and mass
14 transit spending; or

15 (3) a civil works project, as that term is defined
16 under Section 2269.351, Government Code.

17 (c) If the claimant presents a written claim for damages,
18 contribution, or indemnity to the person performing or furnishing
19 the construction or repair work during the applicable ~~[10-year]~~
20 limitations period, the period is extended for:

21 (1) two years from the date the claim is presented, for
22 a claim to which Subsection (a) applies; or

23 (2) one year from the date the claim is presented, for
24 a claim to which Subsection (a-1) applies.

25 (d) If the damage, injury, or death occurs during the last
26 ~~[10th]~~ year of the applicable limitations period, the claimant may
27 bring suit not later than two years after the day the cause of

1 action accrues.

2 SECTION 3. (a) Except as provided by this section, Section
3 16.008, Civil Practice and Remedies Code, as amended by this Act,
4 applies to a cause of action arising out of a design, plan, or
5 inspection of the construction of an improvement to real property
6 or equipment attached to real property that commences on or after
7 the effective date of this Act. Section 16.008, Civil Practice and
8 Remedies Code, as amended by this Act, does not apply to a cause of
9 action arising out of a design, plan, or inspection that commences
10 on or after the effective date of this Act under a contract entered
11 into before that date.

12 (b) A cause of action arising out of a design, plan, or
13 inspection of the construction of an improvement to real property
14 or equipment attached to real property that commenced before the
15 effective date of this Act or arising out of a design, plan, or
16 inspection of the construction of an improvement to real property
17 or equipment attached to real property that commences on or after
18 the effective date of this Act under a contract entered into before
19 that date is governed by the law applicable to the cause of action
20 immediately before the effective date of this Act, and that law is
21 continued in effect for that purpose.

22 SECTION 4. (a) Except as provided by this section, Section
23 16.009, Civil Practice and Remedies Code, as amended by this Act,
24 applies to a cause of action arising out of construction or repair
25 of an improvement to real property that commences on or after the
26 effective date of this Act. Section 16.009, Civil Practice and
27 Remedies Code, as amended by this Act, does not apply to a cause of

1 action arising out of construction or repair of an improvement to
2 real property that commences on or after the effective date of this
3 Act under a contract entered into before that date.

4 (b) A cause of action arising out of construction or repair
5 of an improvement to real property that commenced before the
6 effective date of this Act or arising out of construction or repair
7 of an improvement to real property that commences on or after the
8 effective date of this Act under a contract entered into before that
9 date is governed by the law applicable to the cause of action
10 immediately before the effective date of this Act, and that law is
11 continued in effect for that purpose.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.