

By: Leach

H.B. No. 2265

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the award of compensatory damages caused by certain
3 delays under governmental construction contracts.

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

5 SECTION 1. Subchapter Z, Chapter 2252, Government Code, is
6 amended by adding Section 2252.909 to read as follows:

7 Sec. 2252.909. LIMITATION OF COMPENSATORY DAMAGES CAUSED BY
8 GOVERNMENTAL DELAYS IN CONSTRUCTION CONTRACTS PROHIBITED. (a) In
9 this section:

10 (1) "Contractor" means a person engaged in the
11 business of developing, constructing, fabricating, repairing,
12 altering, or remodeling improvements to real property.

13 (2) "Governmental entity" means:

14 (A) the state;

15 (B) a municipality, county, public school
16 district, or special-purpose district or authority;

17 (C) a district, county, or justice of the peace
18 court;

19 (D) a board, commission, department, office, or
20 other agency in the executive branch of state government, including
21 an institution of higher education as defined by Section 61.003,
22 Education Code;

23 (E) the legislature or a legislative agency; or

24 (F) the Supreme Court of Texas, the Texas Court

1 of Criminal Appeals, a court of appeals, or the State Bar of Texas
2 or another judicial agency having statewide jurisdiction.

3 (b) A construction contract between a governmental entity
4 and a contractor may not prohibit or limit the award of compensatory
5 damages to the contractor for a delay caused solely by the
6 governmental entity.

7 (c) This section may not be waived. A purported waiver of
8 this section in violation of this subsection is void.

9 SECTION 2. Section 2252.909, Government Code, as added by
10 this Act, applies only to a construction contract entered into on or
11 after the effective date of this Act.

12 SECTION 3. This Act takes effect September 1, 2023.