

By: Schofield

H.B. No. 4301

A BILL TO BE ENTITLED

AN ACT

relating to certain deadlines and other timing factors affecting mechanic's, contractor's, or materialman's liens.

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

SECTION 1. Section 53.003(e), Property Code, is amended to read as follows:

(e) In determining the deadline or computing the period of days in which to provide a notice or to take any action required under this chapter, if the deadline or the last day of the period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.

SECTION 2. Section 53.124(e), Property Code, is amended to read as follows:

(e) The time of inception of a lien that is created under Section 53.021(3), (4), or (5) [~~53.021(c), (d), or (e)~~] is the date of recording of an affidavit of lien under Section 53.052. The priority of a lien claimed by a person entitled to a lien under Section 53.021(3), (4), or (5) [~~53.021(c), (d), or (e)~~] with respect to other mechanic's liens is determined by the date of recording. A lien created under Section 53.021(3), (4), or (5) [~~53.021(c), (d), or (e)~~] is not valid or enforceable against a grantee or purchaser who acquires an interest in the real property before the time of inception of the lien.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2023.