

By: Leach

H.B. No. 3223

A BILL TO BE ENTITLED

AN ACT

relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property.

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

SECTION 1. Sections 16.008(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

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

(c) If the claimant presents a written claim for damages, contribution, or indemnity to the architect, engineer, interior designer, or landscape architect within the applicable limitations period, the period is extended for[+]

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

~~[(2)]~~ one year from the date the claim is presented[+]

~~for a claim to which Subsection (a-1) applies].~~

SECTION 2. Sections 16.009(a), (c), and (d), Civil Practice and Remedies Code, are amended to read as follows:

(a) Except as provided by Subsection ~~[(a-1) or]~~ (a-2), a claimant must bring suit for damages for a claim listed in Subsection (b) against a person who constructs or repairs an improvement to real property not later than eight ~~[10]~~ years after the substantial completion of the improvement in an action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement.

(c) If the claimant presents a written claim for damages, contribution, or indemnity to the person performing or furnishing the construction or repair work during the applicable limitations period, the period is extended for~~+~~

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

~~[(2)] one year from the date the claim is presented[7 for a claim to which Subsection (a-1) or (a-2) applies].~~

(d) If the damage, injury, or death occurs during the last year of the applicable limitations period, the claimant may bring suit not later than one year ~~[two years]~~ after the day the cause of action accrues.

SECTION 3. Sections 16.008(a-1) and 16.009(a-1), Civil Practice and Remedies Code, are repealed.

SECTION 4. (a) Except as provided by this section, Section 16.008, Civil Practice and Remedies Code, as amended by this Act, applies to a cause of action arising out of a design, plan, or

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

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

18 SECTION 5. (a) Except as provided by this section, Section
19 16.009, Civil Practice and Remedies Code, as amended by this Act,
20 applies to a cause of action arising out of construction or repair
21 of an improvement to real property that commences on or after the
22 effective date of this Act. Section 16.009, Civil Practice and
23 Remedies Code, as amended by this Act, does not apply to a cause of
24 action arising out of construction or repair of an improvement to
25 real property that commences on or after the effective date of this
26 Act under a contract entered into before that date.

27 (b) A cause of action arising out of construction or repair

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

8 SECTION 6. This Act takes effect September 1, 2025.