

1-1 By: Uresti (Senate Sponsor - Carona) H.B. No. 3190
1-2 (In the Senate - Received from the House May 12, 2003;
1-3 May 13, 2003, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2003, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the refund or retention by a landlord of a security
1-9 deposit under a commercial lease.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 93.005(a), Property Code, is amended to
1-12 read as follows:

1-13 (a) The landlord shall refund the security deposit to the
1-14 tenant not later than the 60th day after the date the tenant
1-15 surrenders the premises and provides notice to the landlord or the
1-16 landlord's agent of the tenant's forwarding address under Section
1-17 93.009.

1-18 SECTION 2. Section 93.011(d), Property Code, is amended to
1-19 read as follows:

1-20 (d) A landlord who fails to return a security deposit or to
1-21 provide a written description and itemized list of deductions on or
1-22 before the 60th [~~30th~~] day after the date the tenant surrenders
1-23 possession is presumed to have acted in bad faith.

1-24 SECTION 3. This Act applies only to a lease of commercial
1-25 rental property entered into or renewed on or after the effective
1-26 date of this Act. A lease of commercial rental property entered
1-27 into or renewed before the effective date of this Act is governed by
1-28 the law in effect on the date the lease was entered into or renewed,
1-29 and the former law is continued in effect for that purpose.

1-30 SECTION 4. This Act takes effect September 1, 2003.

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