

By: Duncan

S.B. No. 23

A BILL TO BE ENTITLED

AN ACT

relating to the remedy provided for failure to disclose certain information in certain residential construction transactions.

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

SECTION 1. Section 27.007, Property Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) A [~~If a contract does not contain the notice required by this section, the~~] claimant may recover from the contractor a civil penalty of \$500 in addition to any other remedy provided by this chapter if:

(1) the contract does not contain the notice required by this section; and

(2) the claimant proves actual damages were proximately caused by the construction defect.

(c) A court may not certify an action brought under this section as a class action.

SECTION 2. The change in law made by Subsection (b), Section 27.007, Property Code, as amended by this Act, applies only to a cause of action that is brought on or after the effective date of this Act.

SECTION 3. The change in law made by Subsection (c), Section 27.007, Property Code, as added by this Act, applies only to the certification of a class action on or after July 1, 2005.

1 Certification of a class action before July 1, 2005, is governed by
2 the law in effect immediately before the effective date of this Act,
3 and that law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect on the 91st day after the last day of the
9 legislative session.