

By: Miller

H.B. No. 497

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liquidated damages for violating certain requirements
3 relating to executory contracts for the conveyance of certain real
4 property.

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

6 SECTION 1. Section 5.077, Property Code, is amended by
7 amending Subsection (c) and adding Subsection (d) to read as
8 follows:

9 (c) A seller who fails to comply with Subsection (a) is
10 liable to the purchaser for:

11 (1) liquidated damages in the amount of \$250 [~~a day~~]
12 for each annual statement [~~day after January 31 that~~] the seller
13 fails to provide to the purchaser within the time required by
14 Subsection (a) [with the statement]; and

15 (2) reasonable attorney's fees.

16 (d) After January 31 of a year in which a statement is
17 required under Subsection (a), the purchaser may request in writing
18 that the seller provide the statement required under that
19 subsection. The purchaser's request must specify the information
20 that must be included in the statement under Subsection (b) and the
21 penalties imposed under Subsection (c) and this subsection. If the
22 seller does not provide the statement to the purchaser on or before
23 the 10th day after the date the seller receives the request, in
24 addition to the liability imposed by Subsection (c), the seller is

1 liable to the purchaser for liquidated damages in the amount of \$250
2 a day for each day after the 10th day after the date the seller
3 receives the request that the seller does not provide the
4 statement.

5 SECTION 2. The change in law made by this Act applies only
6 to the act of a seller who fails to timely provide an annual
7 statement as required by Section 5.077(a), Property Code, on or
8 after the effective date of this Act. The act of a seller who fails
9 to timely provide an annual statement as required by Section
10 5.077(a), Property Code, before the effective date of this Act is
11 covered by the law in effect when the act was committed, and the
12 former law is continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2005.