

By: Duncan

S.B. No. 334

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(b), Property Code, is amended 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.

SECTION 2. (a) The change in law made by Section 27.007(b), Property Code, as amended by this Act, applies to all actions:

(1) commenced on or after the effective date of this Act; or

(2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that effective date.

(b) For an action that is commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on the effective date is governed by the law as it existed

1 immediately before the effective date of this Act, and that law is  
2 continued in effect for that purpose.

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