

1-1 By: Duncan, Estes S.B. No. 334
1-2 (In the Senate - Filed February 2, 2005; February 7, 2005,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 March 9, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 9, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 334 By: Fraser

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the remedy provided for failure to disclose certain
1-11 information in certain residential construction transactions.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 27.007, Property Code,
1-14 is amended to read as follows:

1-15 (b) A [~~If a contract does not contain the notice required by~~
1-16 ~~this section, the~~] claimant may recover from the contractor a civil
1-17 penalty of \$500 in addition to any other remedy provided by this
1-18 chapter if:

1-19 (1) the contract does not contain the notice required
1-20 by this section; and

1-21 (2) the claimant proves actual damages were
1-22 proximately caused by the construction defect.

1-23 SECTION 2. The change in law made by Subsection (b), Section
1-24 27.007, Property Code, as amended by this Act, applies to all
1-25 actions not finally adjudicated on or before the effective date of
1-26 this Act.

1-27 SECTION 3. This Act takes effect September 1, 2005.

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