

Amend CSHB 1038 as follows:

Amend Sec 436.002 of the property code to add section (c) and read as follows; then renumber as appropriate.

§436.002. APPLICABILITY. (a) This subtitle applies only to an arbitration of a dispute between a homeowner and a builder that involves an alleged construction defect.

(b) The requirements of this subtitle supplement Chapter 171, Civil Practice and Remedies Code, and the Federal Arbitration Act (9 U.S.C. Sections 1-16), as amended.

(c) The requirement of arbitration in a dispute involving a construction defect shall be made optional.