

Amend CSHB 1038 by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 426, Property Code, is amended by adding Section 426.009 to read as follows:

Sec. 426.009. ABATEMENT OF PARALLEL PROCEEDING. (a) This section applies only to a suit between a homeowner and a builder in which:

(1) a request for resolution is filed with the commission under this title; and

(2) the request relates directly to the subject matter of the suit.

(b) A court shall abate a suit to which this section applies if the request for resolution is filed before the 90th day after the date the suit is filed. The court may grant or continue any temporary relief necessary to preserve the status quo pending a final determination of the suit.

(c) If the commission grants the request or reconsiders and grants a request that had previously been denied, the court may, on motion of the commission or any interested party, dismiss the suit if the issues involved in the request predominate in the suit.