

By: Leibowitz

H.B. No. 326

A BILL TO BE ENTITLED

AN ACT

relating to fees authorized by the Texas Residential Construction Commission Act.

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

SECTION 1. Section 408.002, Property Code, is amended to read as follows:

Sec. 408.002. FEES. The commission shall adopt fees as required by this title in amounts that are reasonable and necessary to provide sufficient revenue to cover the costs of administering this title. The commission may not charge a homeowner a fee in connection with a complaint, request, or other proceeding under Chapter 409 or Subtitle D.

SECTION 2. Section 428.001(b), Property Code, is amended to read as follows:

(b) The request must:

(1) specify in reasonable detail each alleged construction defect that is a subject of the request;

(2) state the amount of any known out-of-pocket expenses and engineering or consulting fees incurred by the homeowner in connection with each alleged construction defect;

(3) include any evidence that depicts the nature and cause of each alleged construction defect and the nature and extent of repairs necessary to remedy the construction defect, including, if available, expert reports, photographs, and videotapes, if that

1 evidence would be discoverable under Rule 192, Texas Rules of Civil
2 Procedure; and

3 (4) [~~be accompanied by the fees required under Section~~
4 ~~426.004, and~~

5 [~~(5)~~] state the name of any person who has, on behalf
6 of the requestor, inspected the home in connection with an alleged
7 construction defect.

8 SECTION 3. Section 428.004(d), Property Code, is amended to
9 read as follows:

10 (d) The [~~Except as provided by this subsection, the~~
11 third-party inspector's recommendation may not include payment of
12 any monetary consideration. [~~If the inspector finds for the party~~
13 ~~who submitted the request, the commission may order the other party~~
14 ~~to reimburse all or part of the fees and inspection expenses paid by~~
15 ~~the requestor under Section 426.004.]~~

16 SECTION 4. Section 426.004, Property Code, is repealed.

17 SECTION 5. The change in law made by this Act applies only
18 to a complaint, request, or other proceeding initiated on or after
19 the effective date of this Act. A complaint, request, or other
20 proceeding initiated before the effective date of this Act is
21 governed by the law in effect immediately before that date, and that
22 law is continued in effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2007.