

Amend HB 1209 (house committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS of the bill accordingly:

SECTION _____. Section 53.054, Property Code, is amended by amending Subsection (a) and adding Subsections (d), (e), and (f) to read as follows:

(a) The affidavit must be signed by the person claiming the lien or by another person on the claimant's behalf and must contain substantially:

(1) a sworn statement of the amount of the claim;

(2) the name and last known address of the owner or reputed owner;

(3) a [~~general~~] statement of the [~~kind of~~] work done and materials furnished by the claimant and, for a claimant other than an original contractor, a statement of each month in which the work was done and materials furnished for which payment is requested;

(4) the name and last known address of the person by whom the claimant was employed or to whom the claimant furnished the materials or labor;

(5) the name and last known address of the original contractor;

(6) a description, legally sufficient for identification, of the property sought to be charged with the lien;

(7) the claimant's name, mailing address, and, if different, physical address; and

(8) for a claimant other than an original contractor, a statement identifying the date each notice of the claim was sent to the owner and the method by which the notice was sent.

(d) The affidavit must distinguish between materials provided and work done and state the category or types of materials provided in a manner that distinguishes between permanent fixtures and removable items.

(e) For the purposes of Subsection (d), the categories and types of materials that are considered not removable include:

(1) paint;

(2) lumber for the framing of the structure;

(3) concrete used for foundations, parking, and driveways;

(4) in-ground swimming pools;

(5) tile floors;

(6) wiring; and

(7) rough-in plumbing.

(f) For the purposes of Subsection (d), the categories and types of materials that are considered removable include;

(1) decking materials;

(2) counters;

(3) countertops;

(4) built-in appliances, including dishwashers, ovens, and ranges;

(5) carpet and pad;

(6) windows;

(7) doors;

(8) shower doors;

(9) sinks, toilets, fixtures; and

(10) draperies.

SECTION _____. Section 53.054, Property Code, as amended by this Act, applies only to an affidavit filed under Section 53.052, Property Code, on or after the effective date of this Act. An affidavit filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

(2) On page 2, line 6, between "made by this Act" and "applies", insert "to Chapter 162, Property Code,".