

Amend CSHB 2295 (house committee printing) as follows:

(1) On page 1, line 17, strike "or 428A.004(b)".

(2) Strike SECTION 49 (page 36, line 16, through page 38, line 17) of the bill and substitute the following:

SECTION 49. Section 426.005, Property Code, is amended to read as follows:

Sec. 426.005. PREREQUISITE TO ACTION. (a) Before ~~[A homeowner or builder must comply with this subtitle before]~~ initiating an action for damages or other relief arising from an alleged construction defect, a homeowner or builder must request either the inspection process under this subtitle or voluntary mediation under Chapter 428A.

(b) If the inspection process is used, an ~~[An]~~ action described by Subsection (a) must be filed:

(1) on or before the expiration of any applicable statute of limitations or by the 45th day after the date the third-party inspector issues the inspector's recommendation, whichever is later; or

(2) if the recommendation is appealed, on or before the expiration of any applicable statute of limitations or by the 45th day after the date the commission issues its ruling on the appeal, whichever is later.

(c) If mediation is requested under Section 428A.004, an action described by Subsection (a) must be filed on or before the later of:

(1) the expiration of any applicable statute of limitations; or

(2) the 45th day after the expiration of the mediation period ~~[Any claim for personal injuries, damages to personal goods, or consequential damages or other relief arising out of an alleged construction defect must be included in any action concerning the construction defect.]~~

~~[(d) This section does not apply to an action that is initiated by a person subrogated to the rights of a claimant if payment was made pursuant to a claim made under an insurance policy.]~~

~~[(f) A homeowner is not required to comply with this subtitle if:~~

~~[(1) at the time a homeowner and a builder enter into a contract covered by this title the builder was not registered, or~~
~~[(2) the certificate of registration of the builder has been revoked].~~

(3) On page 51, strike lines 5 through 19.

(4) On page 51, line 20, strike "(c)" and substitute "(b)".

(5) On page 51, line 23, strike ", in accordance with Subsection (b),".

(6) On page 51, line 26, strike "(d)" and substitute "(c)".

(7) On page 52, line 3, strike "(e)" and substitute "(d)".

(8) On page 52, line 5, strike "(f)" and substitute "(e)".

(9) On page 58, line 23, between "(a)" and "Section 401.005", insert the following:

Except as otherwise provided by this Act, the changes in law made by this Act to Chapter 27, Property Code, and Section 426.005, Property Code, apply only to an action filed on or after the effective date of this Act. An action 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.

(b)

(10) On page 61, line 2, strike "426.005,".

(11) Reletter subsections of SECTION 74 of the bill appropriately.