

BILL ANALYSIS

S.B. 2141
By: Wentworth
Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The statute of repose for engineers and architects in Texas requires a plaintiff to file suit for a defective or unsafe condition within 10 years of the substantial completion of the project. The purpose of this is to bring finality to claims. In 2003, the Texas Legislature enacted legislation that allows a defendant to designate a person as a responsible third party in a lawsuit. If a party is designated by a defendant as a responsible third party, the plaintiff is not barred by limitations from seeking to join that party even though such joinder would otherwise be barred by limitations. This bill clarifies that the extension of time allowed when a responsible third party is designated does not apply to the statute of repose for engineers and architects.

S.B. 2141 amends current law relating to the statute of repose for engineers and architects.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

SECTION 1. Amends Section 16.008, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Requires a person, notwithstanding any other law, to bring suit for damages for a claim listed in Subsection (b) (relating to certain claims to which this section is applicable) against a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than 10 years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment.

(d) Provides that this section is a statute of repose. Provides that Sections 33.004(a) (relating to the designation of a responsible third party) and (e) (relating to authorizing claimant to join a responsible third party under certain circumstances) do not apply to a claim barred by this section.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.

EFFECTIVE DATE

Upon passage or September 1, 2009.