

By: Solomons, Smith of Tarrant

H.B. No. 669

Substitute the following for H.B. No. 669:

By: Gattis

C.S.H.B. No. 669

A BILL TO BE ENTITLED

AN ACT

relating to liability arising out of the filing of a mechanic's,
contractor's, or materialman's lien.

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

SECTION 1. Section 12.002, Civil Practice and Remedies
Code, is amended by adding Subsection (c) to read as follows:

(c) A person claiming a lien under Chapter 53, Property
Code, or the claimant's representative, is not liable under this
section for the making, presentation, or use of a document or other
record in connection with the assertion of the claim if:

(1) the lien claim is reasonable and the filed lien is
determined to be invalid only because of a technical error or
omission in the document or other record being made, presented, or
used; or

(2) the lien claim is reasonable and the filed lien is
determined to be substantially valid, in whole or in part.

SECTION 2. The change in law made by this Act applies only
to a cause of action that accrues on or after the effective date of
this Act. A cause of action that accrues before the effective date
of this Act is governed by the law in effect immediately before that
date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.