1-1 By: Wentworth   S.B. No. 2141
1-2   (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on State Affairs; May 1, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 1, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 2141   By: Lucio

1-7   A BILL TO BE ENTITLED
1-8   AN ACT

1-9 relating to the statute of repose for engineers and architects.
1-10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11   SECTION 1. Section 16.008, Civil Practice and Remedies
1-12 Code, is amended by amending Subsection (a) and adding Subsection
1-13 (d) to read as follows:
1-14   (a) Notwithstanding any other law, a [A] person must bring
1-15 suit for damages for a claim listed in Subsection (b) against a
1-16 registered or licensed architect, engineer, interior designer, or
1-17 landscape architect in this state, who designs, plans, or inspects
1-18 the construction of an improvement to real property or equipment
1-19 attached to real property, not later than 10 years after the
1-20 substantial completion of the improvement or the beginning of
1-21 operation of the equipment in an action arising out of a defective
1-22 or unsafe condition of the real property, the improvement, or the
1-23 equipment.
1-24   (d) This section is a statute of repose. Sections 33.004(a)
1-25 and (e) do not apply to a claim barred by this section.
1-26   SECTION 2. The change in law made by this Act applies only
1-27 to a cause of action that accrues on or after the effective date of
1-28 this Act. A cause of action that accrues before the effective date
1-29 of this Act is governed by the law as it existed immediately before
1-30 that date, and that law is continued in effect for that purpose.
1-31   SECTION 3. This Act takes effect immediately if it receives
1-32 a vote of two-thirds of all the members elected to each house, as
1-33 provided by Section 39, Article III, Texas Constitution. If this
1-34 Act does not receive the vote necessary for immediate effect, this
1-35 Act takes effect September 1, 2009.

1-36   * * * * *