

1-1 By: Workman (Senate Sponsor - Watson) H.B. No. 3389  
 1-2 (In the Senate - Received from the House April 26, 2011;  
 1-3 April 29, 2011, read first time and referred to Committee on  
 1-4 Business and Commerce; May 10, 2011, reported favorably by the  
 1-5 following vote: Yeas 9, Nays 0; May 10, 2011, sent to printer.)  
  
 1-6 A BILL TO BE ENTITLED  
 1-7 AN ACT  
  
 1-8 relating to a seller's disclosure of natural or liquid propane gas  
 1-9 on residential real property.  
 1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-11 SECTION 1. Section 5.008(b), Property Code, is amended to  
 1-12 read as follows:  
 1-13 (b) The notice must be executed and must, at a minimum, read  
 1-14 substantially similar to the following:  
 1-15 SELLER'S DISCLOSURE NOTICE  
 1-16 CONCERNING THE PROPERTY AT \_\_\_\_\_  
 1-17 (Street Address and City)  
  
 1-18 THIS NOTICE IS A DISCLOSURE OF SELLER'S KNOWLEDGE OF  
 1-19 THE CONDITION OF THE PROPERTY AS OF THE DATE SIGNED BY  
 1-20 SELLER AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR  
 1-21 WARRANTIES THE PURCHASER MAY WISH TO OBTAIN. IT IS NOT  
 1-22 A WARRANTY OF ANY KIND BY SELLER OR SELLER'S AGENTS.  
 1-23 Seller \_\_\_ is \_\_\_ is not occupying the Property.  
 1-24 If unoccupied, how long since Seller has occupied the Property?  
 1-25 \_\_\_\_\_  
 1-26 1. The Property has the items checked below:  
 1-27 Write Yes (Y), No (N), or Unknown (U).  
 1-28  
 1-29 \_\_\_ Range \_\_\_ Oven \_\_\_ Microwave  
 1-30 \_\_\_ Dishwasher \_\_\_ Trash Compactor \_\_\_ Disposal  
 1-31 \_\_\_ Washer/Dryer \_\_\_ Window \_\_\_ Rain Gutters  
 1-32 Hookups Screens  
 1-33 \_\_\_ Security \_\_\_ Fire Detection \_\_\_ Intercom  
 1-34 System Equipment System  
 1-35 \_\_\_ Smoke Detector  
 1-36 \_\_\_ Smoke Detector -  
 1-37 Hearing Impaired  
 1-38 \_\_\_ Carbon Monoxide  
 1-39 Alarm  
 1-40 \_\_\_ Emergency Escape  
 1-41 Ladder(s)  
 1-42 \_\_\_ TV Antenna \_\_\_ Cable TV \_\_\_ Satellite  
 1-43 Wiring Dish  
 1-44 \_\_\_ Ceiling Fan(s) \_\_\_ Attic Fan(s) \_\_\_ Exhaust  
 1-45 Fan(s)  
 1-46 \_\_\_ Central A/C \_\_\_ Central Heating \_\_\_ Wall/Window  
 1-47 Air  
 1-48 Conditioning  
 1-49 \_\_\_ Plumbing System \_\_\_ Septic System \_\_\_ Public Sewer  
 1-50 System  
 1-51 \_\_\_ Patio/Decking \_\_\_ Outdoor Grill \_\_\_ Fences  
 1-52 \_\_\_ Pool \_\_\_ Sauna \_\_\_ Spa  
 1-53 \_\_\_ Hot Tub  
 1-54 \_\_\_ Pool Equipment \_\_\_ Pool Heater \_\_\_ Automatic Lawn  
 1-55 Sprinkler  
 1-56 System  
 1-57 \_\_\_ Fireplace(s) & \_\_\_ Fireplace(s) &  
 1-58 Chimney Chimney  
 1-59 (Woodburning) (Mock)  
 1-60 \_\_\_ Natural Gas Lines \_\_\_ Gas Fixtures  
 1-61 \_\_\_ Liquid Propane Gas: \_\_\_ LP Community \_\_\_ LP on Property  
 1-62 [~~(Nat./LP)~~] (Captive)  
 1-63 Garage: \_\_\_ Attached \_\_\_ Not Attached \_\_\_ Carport

2-16 \_\_\_\_\_  
2-17 \_\_\_\_\_

2-35 3. Are you (Seller) aware of any known defect/malfunctions in any  
2-36 of the following?

2-38	___ Interior Walls	___ Ceilings	___ Floors
2-39	___ Exterior Walls	___ Doors	___ Windows
2-40	___ Roof	___ Foundation/	___ Basement
2-41		Slab(s)	
2-42	___ Walls/Fences	___ Driveways	___ Sidewalks
2-43	___ Plumbing/Sewers/	___ Electrical	___ Lighting
2-44	Septics	Systems	Fixtures
2-45	___ Other Structural Components (Describe): _____		

2-50 \_\_\_\_\_  
2-51 \_\_\_\_\_

2-54	___ Active Termites	___ Previous Structural
2-55	(includes	or Roof Repair
2-56	wood-destroying insects)	
2-57	___ Termite or Wood Rot	___ Hazardous or Toxic Waste
2-58	Damage	
2-59	Needing Repair	
2-60	___ Previous Termite Damage	___ Asbestos Components
2-61	___ Previous Termite	___ Urea formaldehyde
2-62	Treatment	___ Insulation
2-63	___ Previous Flooding	___ Radon Gas
2-64	___ Improper Drainage	___ Lead Based Paint
2-65	___ Water Penetration	___ Aluminum Wiring
2-66	___ Located in 100-Year	___ Previous Fires
2-67	Floodplain	

3-1    ☐ Present Flood Insurance                      ☐ Unplatted Easements  
3-2        Coverage  
3-3    ☐ Landfill, Settling, Soil                      ☐ Subsurface  
3-4        Movement, Fault Lines                      Structure or Pits  
3-5                                         ☐ Previous Use of Premises  
3-6                                         for Manufacture of  
3-7                                         Methamphetamine  
3-8    If the answer to any of the above is yes, explain. (Attach  
3-9    additional sheets if necessary): \_\_\_\_\_  
3-10    \_\_\_\_\_  
3-11    \_\_\_\_\_  
3-12    5. Are you (Seller) aware of any item, equipment, or system in or  
3-13    on the property that is in need of repair? ☐ Yes (if you are  
3-14    aware) ☐ No (if you are not aware). If yes, explain (attach  
3-15    additional sheets as necessary). \_\_\_\_\_  
3-16    6. Are you (Seller) aware of any of the following?  
3-17    Write Yes (Y) if you aware, write No (N) if you are not aware.  
  
3-18    ☐ Room additions, structural modifications, or other  
3-19    alterations or repairs made without necessary permits or not  
3-20    in compliance with building codes in effect at that time.  
3-21    ☐ Homeowners' Association or maintenance fees or assessments.  
3-22    ☐ Any "common area" (facilities such as pools, tennis courts,  
3-23    walkways, or other areas) co-owned in undivided interest with  
3-24    others.  
3-25    ☐ Any notices of violations of deed restrictions or  
3-26    governmental ordinances affecting the condition or use of the  
3-27    Property.  
3-28    ☐ Any lawsuits directly or indirectly affecting the Property.  
3-29    ☐ Any condition on the Property which materially affects the  
3-30    physical health or safety of an individual.  
3-31    If the answer to any of the above is yes, explain. (Attach  
3-32    additional sheets if necessary): \_\_\_\_\_  
3-33    \_\_\_\_\_  
3-34    \_\_\_\_\_  
3-35    7. If the property is located in a coastal area that is seaward of  
3-36    the Gulf Intracoastal Waterway or within 1,000 feet of the mean high  
3-37    tide bordering the Gulf of Mexico, the property may be subject to  
3-38    the Open Beaches Act or the Dune Protection Act (Chapter 61 or 63,  
3-39    Natural Resources Code, respectively) and a beachfront  
3-40    construction certificate or dune protection permit may be required  
3-41    for repairs or improvements. Contact the local government with  
3-42    ordinance authority over construction adjacent to public beaches  
3-43    for more information.  
3-44    \_\_\_\_\_  
3-45    Date                                      Signature of Seller  
3-46    The undersigned purchaser hereby acknowledges receipt of the  
3-47    foregoing notice.  
3-48    \_\_\_\_\_  
3-49    Date                                      Signature of Purchaser  
3-50        SECTION 2. This Act applies only to a transfer of property  
3-51    that occurs on or after the effective date of this Act. A transfer  
3-52    of property that occurs before the effective date of this Act is  
3-53    governed by the law applicable to the transfer immediately before  
3-54    that date, and the former law is continued in effect for that  
3-55    purpose. For the purposes of this section, a transfer of property  
3-56    occurs before the effective date of this Act if the contract binding  
3-57    the purchaser to purchase the property is executed before that  
3-58    date.  
3-59        SECTION 3. This Act takes effect September 1, 2011.  
  
3-60                                         \* \* \* \* \*