

By: Carter

H.B. No. 3756

A BILL TO BE ENTITLED

AN ACT

relating to imposing liens for labor and materials provided by interior designers.

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

SECTION 1. Chapter 70, Property Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. INTERIOR DESIGNER'S LIEN

Sec. 70.601. DEFINITIONS. In this subchapter:

(1) "Interior design contract" means a written contract entered into with an interior design contractor.

(2) "Interior design contractor" means a person who enters into an interior design contract to provide labor or materials as an interior designer who holds a certificate of registration under Chapter 1053, Occupations Code.

(3) "Interior environment" means the interior environment or space identified in an interior design contract.

Sec. 70.602. INTERIOR DESIGNER'S LIEN. An interior design contractor who provides labor or materials under an interior design contract has a lien for the amount owed under the contract.

Sec. 70.603. PROPERTY TO WHICH LIEN ATTACHES. A lien under Section 70.602 attaches to:

(1) personal property provided under the interior design contract; and

(2) all non-exempt real property:

1 (A) that is owned by a person who contracts with
2 an interior design contractor; and

3 (B) on which the interior environment is located.

4 Sec. 70.604. PERFECTING LIEN. An interior design
5 contractor claiming a lien under this subchapter may perfect a lien
6 by filing a lien affidavit with the county clerk of the county in
7 which the real property on which the interior environment is
8 located.

9 Sec. 70.605. CONTENTS OF AFFIDAVIT. (a) The affidavit
10 described by Section 70.604 must be a sworn statement signed by the
11 person claiming the lien or by another person on the claimant's
12 behalf and must contain:

13 (1) the amount of the claim;

14 (2) the name and last known address of the owner or
15 reputed owner of the property on which the interior environment is
16 located;

17 (3) a general statement of the kind of labor done and
18 materials provided by the claimant;

19 (4) a description, legally sufficient for
20 identification, of the property sought to be charged with the lien;
21 and

22 (5) the claimant's name, mailing address, and, if
23 different, physical address.

24 (b) The affidavit is not required to itemize individual
25 items of labor or material provided under the interior design
26 contract.

27 Sec. 70.606. EXPIRATION AND DISCHARGE OF LIEN. A lien under

1 this subchapter does not expire and is discharged only when the
2 claimant receives full payment of the amount owed to the claimant
3 under the interior design contract.

4 Sec. 70.607. APPLICABILITY OF OTHER LAW. Chapter 9,
5 Business & Commerce Code, including applicable filing and
6 perfection requirements, applies to a lien on personal property
7 under this subchapter.

8 SECTION 2. The changes to law made by this Act apply only to
9 an interior design contract, as described by Subchapter G, Chapter
10 70, Property Code, as added by this Act, entered into on or after
11 the effective date of this Act. A contract entered into before the
12 effective date of this Act is governed by the law in effect
13 immediately before the effective date of this Act, and that law is
14 continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2011.