

By: Rodriguez of Travis

H.B. No. 2526

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the provision of construction documents to certain
3 purchasers of newly constructed homes.

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

5 SECTION 1. Section 1101.005, Occupations Code, is amended
6 to read as follows:

7 Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter
8 does not apply to:

9 (1) an attorney licensed in this state;

10 (2) an attorney-in-fact authorized under a power of
11 attorney to conduct a real estate transaction;

12 (3) a public official while engaged in official
13 duties;

14 (4) an auctioneer licensed under Chapter 1802 while
15 conducting the sale of real estate by auction if the auctioneer does
16 not perform another act of a broker or salesperson;

17 (5) a person conducting a real estate transaction
18 under a court order or the authority of a will or written trust
19 instrument;

20 (6) ~~[a person employed by an owner in the sale of~~
21 ~~structures and land on which structures are located if the~~
22 ~~structures are erected by the owner in the course of the owner's~~
23 ~~business;~~

24 [~~7~~] an on-site manager of an apartment complex;

1 (7) [~~(8)~~] an owner or the owner's employee who leases
2 the owner's improved or unimproved real estate; or

3 (8) [~~(9)~~] a transaction involving:

4 (A) the sale, lease, or transfer of a mineral or
5 mining interest in real property;

6 (B) the sale, lease, or transfer of a cemetery
7 lot;

8 (C) the lease or management of a hotel or motel;
9 or

10 (D) the sale of real property under a power of
11 sale conferred by a deed of trust or other contract lien.

12 SECTION 2. Section 1101.557(c), Occupations Code, is
13 amended to read as follows:

14 (c) For the purposes of this section:

15 (1) a license holder who has the authority to bind a
16 party to a lease or sale under a power of attorney or a property
17 management agreement is also a party to the lease or sale; and

18 (2) [~~an inquiry to a person described by Section~~
19 ~~1101.005(6) about contract terms or forms required by the person's~~
20 ~~employer does not violate Section 1101.652(b)(22) if the person~~
21 ~~does not have the authority to bind the employer to the contract,~~
22 ~~and~~

23 [~~(3)~~] the sole delivery of an offer to a party does not
24 violate Section 1101.652(b)(22) if:

25 (A) the party's broker consents to the delivery;

26 (B) a copy of the offer is sent to the party's
27 broker, unless a governmental agency using a sealed bid process

1 does not allow a copy to be sent; and

2 (C) the person delivering the offer does not
3 engage in another activity that directly or indirectly violates
4 Section 1101.652(b)(22).

5 SECTION 3. Chapter 1101, Occupations Code, is amended by
6 adding Subchapter N-1 to read as follows:

7 SUBCHAPTER N-1. BUILDING CONTRACTS AND TRANSFERS OF TITLE FROM
8 BUILDER

9 Sec. 1101.681. CONSTRUCTION DOCUMENTS. A builder who
10 constructs a new single-family home must provide a copy of any
11 documents used in the construction of the home, including written
12 specifications or blueprints:

13 (1) at the time the construction is completed, to the
14 person who contracted with the builder for the construction of the
15 home; or

16 (2) at the time title to the home is transferred by the
17 builder, to the person who purchases the home from the builder.

18 SECTION 4. The change in law made by this Act applies only
19 to a contract for construction entered into or a transfer of title
20 made on or after the effective date of this Act. A contract entered
21 into or a transfer of title made before the effective date of this
22 Act is governed by the law in effect immediately before the
23 effective date of this Act, and that law is continued in effect for
24 that purpose.

25 SECTION 5. This Act takes effect September 1, 2013.