

By: Meyer

H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

1
2 relating to statutes of repose for certain claims involving the
3 construction or repair of an improvement to real property or the
4 attachment of equipment to real property.

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

6 SECTION 1. Sections 16.008(a) and (c), Civil Practice and
7 Remedies Code, are amended to read as follows:

8 (a) A person must bring suit for damages for a claim listed
9 in Subsection (b) against a registered or licensed architect,
10 engineer, interior designer, or landscape architect in this state,
11 who designs, plans, or inspects the construction of an improvement
12 to real property or equipment attached to real property, not later
13 than five [~~10~~] years after the substantial completion of the
14 improvement or the beginning of operation of the equipment in an
15 action arising out of a defective or unsafe condition of the real
16 property, the improvement, or the equipment.

17 (c) If the claimant presents a written claim for damages,
18 contribution, or indemnity to the architect, engineer, interior
19 designer, or landscape architect within the five-year [~~10-year~~]
20 limitations period, the period is extended for two years from the
21 day the claim is presented.

22 SECTION 2. Sections 16.009(a), (c), and (d), Civil Practice
23 and Remedies Code, are amended to read as follows:

24 (a) A claimant must bring suit for damages for a claim

1 listed in Subsection (b) against a person who constructs or repairs
2 an improvement to real property not later than five [~~10~~] years after
3 the substantial completion of the improvement in an action arising
4 out of a defective or unsafe condition of the real property or a
5 deficiency in the construction or repair of the improvement.

6 (c) If the claimant presents a written claim for damages,
7 contribution, or indemnity to the person performing or furnishing
8 the construction or repair work during the five-year [~~10-year~~]
9 limitations period, the period is extended for two years from the
10 date the claim is presented.

11 (d) If the damage, injury, or death occurs during the fifth
12 [~~10th~~] year of the limitations period, the claimant may bring suit
13 not later than two years after the day the cause of action accrues.

14 SECTION 3. (a) Except as provided by this section, Section
15 [16.008](#), Property Code, as amended by this Act, applies to a cause of
16 action arising out of a design, plan, or inspection of the
17 construction of an improvement to real property or equipment
18 attached to real property that commences on or after the effective
19 date of this Act. Section [16.008](#), Property Code, as amended by this
20 Act, does not apply to a cause of action arising out of a design,
21 plan, or inspection that commences on or after the effective date of
22 this Act under a contract entered into before that date.

23 (b) A cause of action arising out of a design, plan, or
24 inspection of the construction of an improvement to real property
25 or equipment attached to real property that commenced before the
26 effective date of this Act or arising out of a design, plan, or
27 inspection of the construction of an improvement to real property

1 or equipment attached to real property that commences on or after
2 the effective date of this Act under a contract entered into before
3 that date is governed by the law applicable to the cause of action
4 immediately before the effective date of this Act, and that law is
5 continued in effect for that purpose.

6 SECTION 4. (a) Except as provided by this section, Section
7 16.009, Property Code, as amended by this Act, applies to a cause of
8 action arising out of construction or repair of an improvement to
9 real property that commences on or after the effective date of this
10 Act. Section 16.009, Property Code, as amended by this Act, does
11 not apply to a cause of action arising out of construction or repair
12 of an improvement to real property that commences on or after the
13 effective date of this Act under a contract entered into before that
14 date.

15 (b) A cause of action arising out of construction or repair
16 of an improvement to real property that commenced before the
17 effective date of this Act or arising out of construction or repair
18 of an improvement to real property that commences on or after the
19 effective date of this Act under a contract entered into before that
20 date is governed by the law applicable to the cause of action
21 immediately before the effective date of this Act, and that law is
22 continued in effect for that purpose.

23 SECTION 5. This Act takes effect September 1, 2017.