

By: Kacal

H.B. No. 2170

A BILL TO BE ENTITLED

AN ACT

relating to responsibility for defects in the plans, specifications, or related documents for the construction or repair of an improvement to real property.

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

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 59 to read as follows:

CHAPTER 59. RESPONSIBILITY FOR DEFECTS IN PLANS AND SPECIFICATIONS

Sec. 59.001. DEFINITION. In this chapter, "design professional" means a person registered as an architect under Chapter 1051, Occupations Code, or licensed as an engineer under Chapter 1001, Occupations Code.

Sec. 59.002. IMPLIED GUARANTY AND WARRANTY BY PROVIDER OF PLANS AND SPECIFICATIONS. A person, other than a design professional acting in the scope of the person's profession, who provides plans, specifications, or related documents to another person for a contract for the construction or repair of an improvement to real property, impliedly guarantees and warranties the adequacy, accuracy, sufficiency, and suitability of the plans, specifications, or related documents provided to the other person.

Sec. 59.003. WAIVER OF CHAPTER PROHIBITED. A person may not waive this chapter by contract or other means. A purported waiver of this chapter is void.

SECTION 2. The changes in law made by this Act apply only to

1 a contract entered into on or after the effective date of this Act.
2 A contract entered into before the effective date of this Act is
3 governed by the law in effect when the contract was entered into,
4 and the former law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2017.