

By: Holland, Leach, Cyrier, et al.

H.B. No. 1737

Substitute the following for H.B. No. 1737:

By: White

C.S.H.B. No. 1737

A BILL TO BE ENTITLED

AN ACT

relating to statutes of limitation and repose for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property.

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

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

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

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

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

(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 seven [~~10~~] years
3 after the substantial completion of the improvement in an action
4 arising out of a defective or unsafe condition of the real property
5 or a 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 seven-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
12 seventh [~~10th~~] year of the limitations period, the claimant may
13 bring suit not later than two years after the day the cause of
14 action accrues.

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

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

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

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

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

25 SECTION 5. This Act takes effect September 1, 2019.