

By: Leach

H.B. No. 2901

A BILL TO BE ENTITLED

AN ACT

relating to civil liability and responsibility for the consequences of 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. APPLICABILITY. This chapter applies only to a contract for the construction or repair of an improvement to real property.

Sec. 59.002. DEFINITION. In this chapter, "contractor" means a person required to perform work under a contract.

Sec. 59.003. LIMITATION ON CONTRACTOR'S LIABILITY AND RESPONSIBILITY FOR CERTAIN DEFECTS. A contractor is not civilly liable or otherwise responsible for the consequences of defects in and may not warranty the accuracy, adequacy, sufficiency, or suitability of plans, specifications, or other design or bid documents provided to the contractor by:

(1) the person with whom the contractor entered into the contract; or

(2) another person on behalf of the person with whom the contractor entered into the contract.

Sec. 59.004. WAIVER OF CHAPTER. This chapter may not be

1 waived by any means. A purported waiver of this chapter is void.

2 SECTION 2. (a) The changes in law made by this Act apply
3 only to a contract for the construction or repair of an improvement
4 to real property entered into on or after the effective date of this
5 Act. A contract entered into before the effective date of this Act
6 is governed by the law in effect when the contract was entered into,
7 and the former law is continued in effect for that purpose.

8 (b) An original contract for the construction or repair of
9 an improvement to real property with the owner of an interest in
10 real property that is entered into before the effective date of this
11 Act, and a subcontract or purchase order for providing labor or
12 materials associated with that original contract, whether the
13 subcontract or purchase order is entered into before, on, or after
14 the effective date of this Act, is governed by the law in effect
15 when the original contract was entered into, and the former law is
16 continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2019.