

1-1 By: Holland, et al. (Senate Sponsor - Hughes) H.B. No. 3069
 1-2 (In the Senate - Received from the House May 5, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 18, 2021, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 18, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to statutes of limitation and repose for certain claims
 1-20 involving the construction or repair of an improvement to real
 1-21 property or equipment attached to real property.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 16.008, Civil Practice and Remedies
 1-24 Code, is amended by amending Subsections (a) and (c) and adding
 1-25 Subsection (a-1) to read as follows:

1-26 (a) Except as provided by Subsection (a-1), a [A] person
 1-27 must bring suit for damages for a claim listed in Subsection (b)
 1-28 against a registered or licensed architect, engineer, interior
 1-29 designer, or landscape architect in this state, who designs, plans,
 1-30 or inspects the construction of an improvement to real property or
 1-31 equipment attached to real property, not later than 10 years after
 1-32 the substantial completion of the improvement or the beginning of
 1-33 operation of the equipment in an action arising out of a defective
 1-34 or unsafe condition of the real property, the improvement, or the
 1-35 equipment.

1-36 (a-1) A governmental entity must bring suit for damages for
 1-37 a claim listed in Subsection (b) against a registered or licensed
 1-38 architect, engineer, interior designer, or landscape architect in
 1-39 this state, who designs, plans, or inspects the construction of an
 1-40 improvement to real property or equipment attached to real
 1-41 property, not later than eight years after the substantial
 1-42 completion of the improvement or the beginning of operation of the
 1-43 equipment in an action arising out of a defective or unsafe
 1-44 condition of the real property, the improvement, or the equipment.
 1-45 This subsection does not apply to a claim arising out of:

1-46 (1) a contract entered into by the Texas Department of
 1-47 Transportation;

1-48 (2) a project that receives money from the state
 1-49 highway fund or a federal fund designated for highway and mass
 1-50 transit spending; or

1-51 (3) a civil works project, as that term is defined
 1-52 under Section 2269.351, Government Code.

1-53 (c) If the claimant presents a written claim for damages,
 1-54 contribution, or indemnity to the architect, engineer, interior
 1-55 designer, or landscape architect within the applicable [~~10-year~~]
 1-56 limitations period, the period is extended for:

1-57 (1) two years from the date [day] the claim is
 1-58 presented, for a claim to which Subsection (a) applies; or

1-59 (2) one year from the date the claim is presented, for
 1-60 a claim to which Subsection (a-1) applies.

1-61 SECTION 2. Section 16.009, Civil Practice and Remedies

2-1 Code, is amended by amending Subsections (a), (c), and (d) and
 2-2 adding Subsection (a-1) to read as follows:

2-3 (a) Except as provided by Subsection (a-1), a [A] claimant
 2-4 must bring suit for damages for a claim listed in Subsection (b)
 2-5 against a person who constructs or repairs an improvement to real
 2-6 property not later than 10 years after the substantial completion
 2-7 of the improvement in an action arising out of a defective or unsafe
 2-8 condition of the real property or a deficiency in the construction
 2-9 or repair of the improvement.

2-10 (a-1) A governmental entity must bring suit for damages for
 2-11 a claim listed in Subsection (b) against a person who constructs or
 2-12 repairs an improvement to real property not later than eight years
 2-13 after the substantial completion of the improvement in an action
 2-14 arising out of a defective or unsafe condition of the real property
 2-15 or a deficiency in the construction or repair of the improvement.
 2-16 This subsection does not apply to a claim arising out of:

2-17 (1) a contract entered into by the Texas Department of
 2-18 Transportation;

2-19 (2) a project that receives money from the state
 2-20 highway fund or a federal fund designated for highway and mass
 2-21 transit spending; or

2-22 (3) a civil works project, as that term is defined
 2-23 under Section 2269.351, Government Code.

2-24 (c) If the claimant presents a written claim for damages,
 2-25 contribution, or indemnity to the person performing or furnishing
 2-26 the construction or repair work during the applicable ~~[10-year]~~
 2-27 limitations period, the period is extended for:

2-28 (1) two years from the date the claim is presented, for
 2-29 a claim to which Subsection (a) applies; or

2-30 (2) one year from the date the claim is presented, for
 2-31 a claim to which Subsection (a-1) applies.

2-32 (d) If the damage, injury, or death occurs during the last
 2-33 [10th] year of the applicable limitations period, the claimant may
 2-34 bring suit not later than two years after the day the cause of
 2-35 action accrues.

2-36 SECTION 3. (a) Except as provided by this section, Section
 2-37 16.008, Civil Practice and Remedies Code, as amended by this Act,
 2-38 applies to a cause of action arising out of a design, plan, or
 2-39 inspection of the construction of an improvement to real property
 2-40 or equipment attached to real property that commences on or after
 2-41 the effective date of this Act. Section 16.008, Civil Practice and
 2-42 Remedies Code, as amended by this Act, does not apply to a cause of
 2-43 action arising out of a design, plan, or inspection that commences
 2-44 on or after the effective date of this Act under a contract entered
 2-45 into before that date.

2-46 (b) A cause of action arising out of a design, plan, or
 2-47 inspection of the construction of an improvement to real property
 2-48 or equipment attached to real property that commenced before the
 2-49 effective date of this Act or arising out of a design, plan, or
 2-50 inspection of the construction of an improvement to real property
 2-51 or equipment attached to real property that commences on or after
 2-52 the effective date of this Act under a contract entered into before
 2-53 that date is governed by the law applicable to the cause of action
 2-54 immediately before the effective date of this Act, and that law is
 2-55 continued in effect for that purpose.

2-56 SECTION 4. (a) Except as provided by this section, Section
 2-57 16.009, Civil Practice and Remedies Code, as amended by this Act,
 2-58 applies to a cause of action arising out of construction or repair
 2-59 of an improvement to real property that commences on or after the
 2-60 effective date of this Act. Section 16.009, Civil Practice and
 2-61 Remedies Code, as amended by this Act, does not apply to a cause of
 2-62 action arising out of construction or repair of an improvement to
 2-63 real property that commences on or after the effective date of this
 2-64 Act under a contract entered into before that date.

2-65 (b) A cause of action arising out of construction or repair
 2-66 of an improvement to real property that commenced before the
 2-67 effective date of this Act or arising out of construction or repair
 2-68 of an improvement to real property that commences on or after the
 2-69 effective date of this Act under a contract entered into before that

3-1 date is governed by the law applicable to the cause of action
3-2 immediately before the effective date of this Act, and that law is
3-3 continued in effect for that purpose.

3-4 SECTION 5. This Act takes effect immediately if it receives
3-5 a vote of two-thirds of all the members elected to each house, as
3-6 provided by Section 39, Article III, Texas Constitution. If this
3-7 Act does not receive the vote necessary for immediate effect, this
3-8 Act takes effect September 1, 2021.

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