

By: Schofield

H.B. No. 3355

A BILL TO BE ENTITLED

AN ACT

relating to recovery by certain claimants of payment for labor or material provided for certain construction or repairs.

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

SECTION 1. Subchapter B, Chapter 53, Property Code, is amended by adding Section 53.027 to read as follows:

Sec. 53.027. RECOVERY BY NONCONTRACTUAL CLAIMANT. A person who labors, specially fabricates material, or furnishes labor or materials for construction or repair in this state who does not have a contract with an owner, original contractor, or subcontractor:

(1) may recover payment for the labor or material from the owner, original contractor, or subcontractor only through the enforcement of a lien or other remedy provided under this chapter; and

(2) may not recover payment from the owner, original contractor, or subcontractor by means of an action or defense under contract or quasi-contract law, including by bringing a claim for quantum meruit or unjust enrichment.

SECTION 2. The change in law made by this Act applies only to a claim for labor performed, material fabricated, or labor or materials furnished on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2021.