

BILL ANALYSIS

S.B. 1768
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Committee Report (Unamended)

BACKGROUND AND PURPOSE

Texas State Bar legal practitioners note that there are many nonsubstantive cleanup changes needed with regard to outdated references in the Property Code. The Residential Construction Commission was sunsetted and abolished September 1, 2009, but references to it have never been removed from the code, which causes confusion among contractors and consumers. In addition, certain of the old Vernon's Texas Civil Statutes have been recodified over the years, but the current Property Code still contains references to those civil statutes. These references need to be updated to reference provisions that are now in the Property Code or other sections of code. S.B. 1768 seeks to address these issues by removing references to repealed provisions and replacing obsolete references with current references within the Property Code.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1768 amends the Property Code to make nonsubstantive corrections and remove obsolete references to the Texas Residential Construction Commission Act, Vernon's Texas Insurance Code, the Texas Non-Profit Corporation Act, the Cooperative Association Act, and the Community Homes for Disabled Persons Location Act.

S.B. 1768 repeals Property Code provisions requiring a seller of residential real property that is exempt from the former Texas Residential Construction Commission Act to give to the purchaser of the property a notice regarding the nonapplicability of certain warranties.

S.B. 1768 repeals the following provisions of the Property Code:

- Section 5.018;
- Sections 27.001(3) and (9);
- Section 27.004(l); and
- Section 27.007(c).

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.