88R4516 AJA-F

By:  Creighton S.B. No. 1336

A BILL TO BE ENTITLED

AN ACT

relating to certain construction liability claims concerning public buildings and public works.

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

SECTION 1.  Section 2272.002(b), Government Code, is amended to read as follows:

(b)  This chapter does not apply to:

(1)  a claim for personal injury, survival, or wrongful death;

(2)  a claim involving the construction of residential property covered under Chapter 27, Property Code;

(3)  a contract entered into by the Texas Department of Transportation; or

(4)  a project that receives money from a state or federal highway fund[~~; or~~

[~~(5)  a civil works project as defined by Section 2269.351~~].

SECTION 2.  Chapter 2272, Government Code, is amended by adding Section 2272.0025 to read as follows:

Sec. 2272.0025.  WAIVER PROHIBITED. This chapter may not be waived. A purported waiver of this chapter in violation of this section is void.

SECTION 3.  The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act under a contract entered into on or after the effective date of this Act. A cause of action that accrued before the effective date of this Act or that accrues on or after the effective date of this Act under a contract entered into before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.