

By: Leach, Patterson, Gervin-Hawkins, et al.

H.B. No. 2024

A BILL TO BE ENTITLED

1 AN ACT

2 relating to statutes of limitation and repose for certain claims
3 arising out of residential construction.

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

5 SECTION 1. Section 16.009, Civil Practice and Remedies
6 Code, is amended by amending Subsections (a) and (c) and adding
7 Subsections (a-2), (a-3), and (a-4) to read as follows:

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

15 (a-2) Except as provided by this subsection, with respect to
16 any claim arising out of the design, construction, or repair of a
17 new residence, of an alteration of or repair or addition to an
18 existing residence, or of an appurtenance to a residence, a
19 claimant must bring suit for damages for a claim listed in
20 Subsection (b) against a person who constructs or repairs an
21 improvement to real property not later than 10 years after the
22 substantial completion of the improvement in an action arising out
23 of a defective or unsafe condition of the real property or a
24 deficiency in the construction or repair of the improvement. If the

1 person being sued is a contractor who has provided a written
2 warranty for the residence that complies with Subsection (a-3), the
3 claimant must bring the suit not later than six years after the
4 substantial completion of the improvement.

5 (a-3) For purposes of Subsection (a-2), a written warranty
6 must provide a minimum period of:

7 (1) one year for workmanship and materials;

8 (2) two years for plumbing, electrical, heating, and
9 air-conditioning delivery systems; and

10 (3) six years for major structural components.

11 (a-4) For purposes of Subsection (a-2):

12 (1) "Contractor" has the meaning assigned by Section
13 27.001, Property Code.

14 (2) "Residence" means the real property and
15 improvements for a detached one-family or two-family dwelling or a
16 townhouse not more than three stories above grade plane in height
17 with a separate means of egress or an accessory structure not more
18 than three stories above grade plane in height.

19 (c) If the claimant presents a written claim for damages,
20 contribution, or indemnity to the person performing or furnishing
21 the construction or repair work during the applicable limitations
22 period, the period is extended for:

23 (1) two years from the date the claim is presented, for
24 a claim to which Subsection (a) applies; or

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

27 SECTION 2. (a) Except as provided by this section, Section

1 16.009, Civil Practice and Remedies Code, as amended by this Act,
2 applies to a cause of action arising out of the design,
3 construction, or repair of an improvement to real property that
4 commences on or after the effective date of this Act. Section
5 16.009, Civil Practice and Remedies Code, as amended by this Act,
6 does not apply to a cause of action arising out of the design,
7 construction, or repair of an improvement to real property that
8 commences on or after the effective date of this Act under a
9 contract entered into before that date.

10 (b) A cause of action arising out of the design,
11 construction, or repair of an improvement to real property that
12 commenced before the effective date of this Act or arising out of
13 the design, construction, or repair of an improvement to real
14 property that commences on or after the effective date of this Act
15 under a contract entered into before that date is governed by the
16 law applicable to the cause of action immediately before the
17 effective date of this Act, and that law is continued in effect for
18 that purpose.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2023.