

By: Schofield

H.B. No. 4308

A BILL TO BE ENTITLED

AN ACT

relating to deadlines and time of inception for mechanic's and
materialman's liens.

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

SECTION 1. Section 53.003(e), Property Code, is amended to
read as follows:

(e) In determining the deadline or computing the period of
days in which to provide a notice or to take any action required
under this chapter, if the deadline or the last day of the period is
a Saturday, Sunday, or legal holiday, the period is extended to
include the next day that is not a Saturday, Sunday, or legal
holiday.

SECTION 2. Section 53.124(e), Property Code, is amended to
read as follows:

(e) The time of inception of a lien that is created under
Section 53.021(3), ~~[(e)]~~ (4) ~~[(d)]~~, or (5) ~~[(e)]~~ is the date of
recording of an affidavit of lien under Section 53.052. The
priority of a lien claimed by a person entitled to a lien under
Section 53.021(3), ~~[(e)]~~ (4) ~~[(d)]~~, or (5) ~~[(e)]~~ with respect to
other mechanic's liens is determined by the date of recording. A
lien created under Section 53.021(3), ~~[(e)]~~ (4) ~~[(d)]~~, or (5) ~~[(e)]~~
is not valid or enforceable against a grantee or purchaser who
acquires an interest in the real property before the time of
inception of the lien.

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