

By: Leach

H.B. No. 3223

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to statutes of limitation and repose for certain claims  
3 involving the construction or repair of an improvement to real  
4 property.

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

6 SECTION 1. Sections 16.008(a) and (c), Civil Practice and  
7 Remedies Code, are amended to read as follows:

8 (a) A [~~Except as provided by Subsection (a-1), a~~] person  
9 must bring suit for damages for a claim listed in Subsection (b)  
10 against a registered or licensed architect, engineer, interior  
11 designer, or landscape architect in this state, who designs, plans,  
12 or inspects the construction of an improvement to real property or  
13 equipment attached to real property, not later than eight [~~10~~]  
14 years after the substantial completion of the improvement or the  
15 beginning of operation of the equipment in an action arising out of  
16 a defective or unsafe condition of the real property, the  
17 improvement, or the equipment.

18 (c) If the claimant presents a written claim for damages,  
19 contribution, or indemnity to the architect, engineer, interior  
20 designer, or landscape architect within the applicable limitations  
21 period, the period is extended for[+]

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

24 [~~(2)~~] one year from the date the claim is presented[~~7~~

1 ~~for a claim to which Subsection (a-1) applies].~~

2 SECTION 2. Sections 16.009(a), (c), and (d), Civil Practice  
3 and Remedies Code, are amended to read as follows:

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

11 (c) If the claimant presents a written claim for damages,  
12 contribution, or indemnity to the person performing or furnishing  
13 the construction or repair work during the applicable limitations  
14 period, the period is extended for[~~+~~

15 [~~(1) two years from the date the claim is presented, for~~  
16 ~~a claim to which Subsection (a) applies, or~~

17 [~~(2)~~] one year from the date the claim is presented[~~+~~  
18 ~~for a claim to which Subsection (a-1) or (a-2) applies].~~

19 (d) If the damage, injury, or death occurs during the last  
20 year of the applicable limitations period, the claimant may bring  
21 suit not later than one year [~~two years~~] after the day the cause of  
22 action accrues.

23 SECTION 3. Sections 16.008(a-1) and 16.009(a-1), Civil  
24 Practice and Remedies Code, are repealed.

25 SECTION 4. (a) Except as provided by this section, Section  
26 16.008, Civil Practice and Remedies Code, as amended by this Act,  
27 applies to a cause of action arising out of a design, plan, or

1 inspection of the construction of an improvement to real property  
2 or equipment attached to real property that commences on or after  
3 the effective date of this Act. Section 16.008, Civil Practice and  
4 Remedies Code, as amended by this Act, does not apply to a cause of  
5 action arising out of a design, plan, or inspection that commences  
6 on or after the effective date of this Act under a contract entered  
7 into before that date.

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

18 SECTION 5. (a) Except as provided by this section, Section  
19 16.009, Civil Practice and Remedies Code, as amended by this Act,  
20 applies to a cause of action arising out of construction or repair  
21 of an improvement to real property that commences on or after the  
22 effective date of this Act. Section 16.009, Civil Practice and  
23 Remedies Code, as amended by this Act, does not apply to a cause of  
24 action arising out of construction or repair of an improvement to  
25 real property that commences on or after the effective date of this  
26 Act under a contract entered into before that date.

27 (b) A cause of action arising out of construction or repair

1 of an improvement to real property that commenced before the  
2 effective date of this Act or arising out of construction or repair  
3 of an improvement to real property that commences on or after the  
4 effective date of this Act under a contract entered into before that  
5 date is governed by the law applicable to the cause of action  
6 immediately before the effective date of this Act, and that law is  
7 continued in effect for that purpose.

8 SECTION 6. This Act takes effect September 1, 2025.