

By: Meyer

H.B. No. 1053

A BILL TO BE ENTITLED

AN ACT

relating to statutes of repose for certain claims involving the construction or repair of an improvement to real property or the attachment of equipment to real property.

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

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

(a) A person must bring suit for damages for a claim listed in Subsection (b) against a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than five [~~10~~] years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment.

(c) If the claimant presents a written claim for damages, contribution, or indemnity to the architect, engineer, interior designer, or landscape architect within the five-year [~~10-year~~] limitations period, the period is extended for two years from the

day the claim is presented.

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

(a) A claimant must bring suit for damages for a claim listed in Subsection (b) against a person who constructs or repairs an improvement to real property not later than five [~~10~~] years after the substantial completion of the improvement in an action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement.

(c) If the claimant presents a written claim for damages, contribution, or indemnity to the person performing or furnishing the construction or repair work during the five-year [~~10-year~~] limitations period, the period is extended for two years from the date the claim is presented.

(d) If the damage, injury, or death occurs during the fifth [~~10th~~] year of the limitations period, the claimant may bring suit not later than two years after the day the cause of action accrues.

SECTION 3. (a) Except as provided by this section, Section 16.008, Property Code, as amended by this Act, applies to a cause of action arising out of a design, plan, or inspection of the construction of an improvement to real property or equipment attached to real property that commences on or after the effective date of this Act. Section 16.008, Property Code, as amended by this Act, does not apply to a cause of action arising out of a

design, plan, or inspection that commences on or after the effective date of this Act under a contract entered into before that date.

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

SECTION 4. (a) Except as provided by this section, Section 16.009, Property Code, as amended by this Act, applies to a cause of action arising out of construction or repair of an improvement to real property that commences on or after the effective date of this Act. Section 16.009, Property Code, as amended by this Act, does not apply to a cause of action arising out of construction or repair of an improvement to real property that commences on or after the effective date of this Act under a contract entered into before that date.

(b) A cause of action arising out of construction or repair of an improvement to real property that commenced before the

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

SECTION 5. This Act takes effect September 1, 2017.