

BILL ANALYSIS

Senate Research Center
81R10106 TJS-F

S.B. 2141
By: Wentworth
State Affairs
4/24/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The statute of repose for engineers and architects in Texas requires a plaintiff to file suit for a defective or unsafe condition within 10 years of the substantial completion of the project. The purpose of this is to bring finality to claims. In 2003, the Texas Legislature enacted legislation that allows a defendant to designate a person as a responsible third party in a lawsuit. If a party is designated by a defendant as a responsible third party, the plaintiff is not barred by limitations from seeking to join that party even though such joinder would otherwise be barred by limitations. This bill clarifies that the extension of time allowed when a responsible third party is designated does not apply to the statute of repose for engineers and architects.

As proposed, S.B. 2141 amends current law relating to the statute of repose for engineers and architects.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 16.008(a), Civil Practice and Remedies Code, to require a person, notwithstanding any other law, to bring suit for damages for a claim listed in Subsection (b) (relating to certain claims to which this section is applicable) 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 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.

SECTION 2. Amends Section 33.004(e), Civil Practice and Remedies Code, to provide that this subsection does not apply to a claim that is barred by Section 16.008(a).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2009.