

By: Hughes

S.B. No. 1215

A BILL TO BE ENTITLED

AN ACT

relating to responsibility for the consequences of defects in the plans, specifications, or other documents for the construction or repair of an improvement to real property.

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

SECTION 1. Title 4, Business & Commerce Code, is amended by adding Chapter 59 to read as follows:

CHAPTER 59. RESPONSIBILITY FOR DEFECTS IN PLANS AND SPECIFICATIONS

Sec. 59.001 DEFINITIONS. In this chapter:

(1) "Contract" means a contract for the construction or repair of an improvement to real property.

(2) "Contractor" means a person who is required to perform work under a contract.

Sec. 59.002. CONTRACTOR NOT RESPONSIBLE FOR CERTAIN DEFECTS. A contractor is not responsible for the consequences of defects in, and may not warranty the accuracy, adequacy, sufficiency, or suitability of, plans, specifications, or other design or bid documents provided to the contractor by:

(1) the person with whom the contractor has entered into the contract; or

(2) another person on behalf of the person with whom the contractor has entered into the contract.

Sec. 59.003. WAIVER OF CHAPTER PROHIBITED. A person may not waive this chapter by any means. A purported waiver of this chapter

1 is void.

2 SECTION 2. (a) The changes in law made by this Act do not
3 apply to a contract that is entered into before the effective date
4 of this Act. Such a contract is governed by the law in effect when
5 the contract was entered into, and the former law is continued in
6 effect for that purpose.

7 (b) An original construction contract for the construction
8 or repair of an improvement to real property with the owner of an
9 interest in the real property that is entered into before the
10 effective date of this Act, and any subcontract or purchase order
11 for furnishing labor or materials associated with that original
12 construction contract, regardless of whether the subcontract or
13 purchase order is entered into before, on, or after the effective
14 date of this Act, is governed by the law in effect when the original
15 construction contract was entered into, and the former law is
16 continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2017.