

1-1 By: Hughes S.B. No. 1215
 1-2 (In the Senate - Filed March 2, 2017; March 9, 2017, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 12, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 12, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1215 By: Hughes

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to responsibility for the consequences of defects in the
 1-22 plans, specifications, or related documents for the construction or
 1-23 repair of an improvement to real property.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Title 4, Business & Commerce Code, is amended by
 1-26 adding Chapter 59 to read as follows:

1-27 CHAPTER 59. RESPONSIBILITY FOR DEFECTS IN PLANS AND
 1-28 SPECIFICATIONS

1-29 Sec. 59.001. APPLICABILITY. This chapter applies only to a
 1-30 contract for the construction or repair of an improvement to real
 1-31 property.

1-32 Sec. 59.002. DEFINITION. In this chapter, "contractor"
 1-33 means a person required to perform work under a contract.

1-34 Sec. 59.003. CONTRACTOR NOT RESPONSIBLE FOR CERTAIN
 1-35 DEFECTS. A contractor is not responsible for the consequences of
 1-36 defects in and may not warranty the accuracy, adequacy,
 1-37 sufficiency, or suitability of plans, specifications, or other
 1-38 design or bid documents provided to the contractor by:

1-39 (1) the person with whom the contractor entered into
 1-40 the contract; or

1-41 (2) another person on behalf of the person with whom
 1-42 the contractor entered into the contract.

1-43 Sec. 59.004. WAIVER OF CHAPTER PROHIBITED. A person may not
 1-44 wave this chapter by any means. A purported waiver of this chapter
 1-45 is void.

1-46 SECTION 2. (a) The changes in law made by this Act apply
 1-47 only to a contract for the construction or repair of an improvement
 1-48 to real property entered into on or after the effective date of this
 1-49 Act. A contract entered into before the effective date of this Act
 1-50 is governed by the law in effect when the contract was entered into,
 1-51 and the former law is continued in effect for that purpose.

1-52 (b) An original contract for the construction or repair of
 1-53 an improvement to real property with the owner of an interest in
 1-54 real property that is entered into before the effective date of this
 1-55 Act, and a subcontract or purchase order for providing labor or
 1-56 materials associated with that original contract, whether the
 1-57 subcontract or purchase order is entered into before, on, or after
 1-58 the effective date of this Act, is governed by the law in effect
 1-59 when the original contract was entered into, and the former law is
 1-60 continued in effect for that purpose.

2-1 SECTION 3. This Act takes effect September 1, 2017.

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