

BILL ANALYSIS

H.B. 3221
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The 86th Legislature enacted House Bill 1999, which allows contractors and design professionals to repair construction defects on public facilities before a public entity could sue them for construction or design defects. After the bill became effective, one entity filed a total of 15 construction defect lawsuits against design and construction professionals for nearly every building in its purview without giving those professionals an opportunity to cure the alleged defects. H.B. 3221 seeks to prevent such practices by defining the accrual date of a cause of action for a construction defect on a public building or public work as the date the entity bringing the suit provides the design professional or contractor with a report identifying the alleged defect.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3221 amends the Government Code to establish that, for purposes of statutory provisions governing certain construction liability claims brought by a governmental entity against a contractor, subcontractor, supplier, or design professional, a cause of action accrues on the date the governmental entity's report to the applicable contractors detailing the basis for the claim is postmarked by the U.S. Postal Service. An applicable claim is a claim for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to a public building or public work in which the governmental entity has an interest, or a claim for indemnity or contribution for such damages. The bill specifies that the date of the accrual of a cause of action for all other purposes is unaffected by the bill's provisions.

EFFECTIVE DATE

September 1, 2021.