

SUBJECT: Seller's disclosure of a drain in a swimming pool, hot tub, or spa

COMMITTEE: Business and Industry — favorable, without amendments

VOTE: 9 ayes — Deshotel, Orr, Bohac, Garza, Giddings, S. Miller, Quintanilla, Solomons, Workman

0 nays

SENATE VOTE: On final passage, April 29 — 30-1 (Hegar)

WITNESSES: No public hearing

BACKGROUND: Under Property Code, sec. 5.008, a seller of residential real property comprising no more than one dwelling must provide the purchaser with a written seller's disclosure notice that contains certain items.

DIGEST: SB 710 would amend the seller's disclosure notice required under Property Code, sec. 5.008 to include a space for the seller to indicate if the seller was aware of the presence of a single blockable main drain in the property's pool, hot tub, or spa.

The bill would add a statement to the disclosure notice warning that a single blockable main drain could cause a suction entrapment hazard.

SB 710 would define "blockable main drain" as a main drain of any size and shape that a human body could sufficiently block to create a suction entrapment hazard. "Main drain" would mean a submerged suction outlet typically located at the bottom of a swimming pool or spa to conduct water to a recirculating pump.

The bill would take effect September 1, 2011, and would apply to transfers of property occurring on or after that date.

SUPPORTERS SAY: SB 710 would protect Texas families by providing more information to homeowners. Although there are many circumstances in which children drown, single blockable main drains found in swimming pools, spas, and hot tubs can present a suction entrapment hazard leading to injury or

death. SB 710 would raise awareness about the risks of suction entrapment, and would better inform the buyer of such risks.

Drowning is a leading cause of death for children under the age of five. Since the Department of Family and Protective Services began tracking drowning deaths in 2005, an average of 76 children have drowned each year in Texas. SB 710 would provide information for homebuyers so that they could make informed decisions and take necessary precautions to protect their families from potential harm.

SB 710 would not mandate that a seller equip a swimming pool with multiple drains. It simply would require the disclosure of any single blockable main drain.

**OPPONENTS
SAY:**

SB 710 would represent another government requirement and add to the excessive paperwork that buyers and sellers must wade through during a property sale. Adding another requirement to the disclosure notice would not significantly benefit the parties involved and often would not even be read by the buyer.