

BILL ANALYSIS

C.S.H.B. 2965

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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Contractors have raised concerns about governmental entities attempting to require them to waive by contract state law providing a process for right to repair prior to the entity filing a lawsuit. Some cities and counties are reportedly taking it a step further by repairing roads themselves and then attempting to charge contractors. C.S.H.B. 2965 seeks to address these issues by prohibiting applicable state law from being waived, which will ensure that contractors are able to inspect and correct issues before a lawsuit can be filed. Additionally the bill removes the exemption for civil works projects, other than a project entered into by a river authority, so that those projects will be subject to the law.

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

C.S.H.B. 2965 amends the Government Code to remove the exemption from statutory provisions governing liability claims concerning certain government construction projects for a civil works project and to exempt from those provisions instead a project entered into by a river authority. The bill prohibits those provisions from being waived and renders any purported waiver void. The bill applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2965 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced made provisions governing certain construction liability claims applicable to civil works projects, the substitute makes those provisions applicable to such projects except those entered into by a river authority.