

BILL ANALYSIS

Senate Research Center

H.B. 2965
By: Vasut et al. (Creighton)
Business & Commerce
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Some local government entities have been circumventing Chapter 2272, which was created by H.B. 1999 (86R), by forcing contractors to waive this chapter either before filing a bid or after contracts have been awarded. This is an unintentional loophole that these entities are taking advantage of and has negatively affected the predictability of the business environment. Additionally, some projects, such as civil works project for city and road construction, are not currently covered by Chapter 2272.

Under H.B. 2965, civil works projects will now be included which means that City and County roads, and other types of infrastructure will be subject to right to repair. Additionally, the bill will now require that governmental entities cannot force contractors to waive Chapter 2272 in contract.

H.B. 2965 amends current law relating to certain construction liability claims concerning public buildings and public works.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2272, Government Code, by adding Section 2272.0025, as follows:

Sec. 2272.0025. WAIVER PROHIBITED. Prohibits Chapter 2272 (Certain Construction Liability Claims) from being waived. Provides that a purported waiver of this chapter in violation of this section is void.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.