



## AGC-Texas Building Branch

### Legislative Position Paper

## Shortening the Statute of Repose

HB 1737 by Rep. Holland

### AGC Supports

#### Background

In Texas, building owners have 12 years to sue architects, engineers, and contractors for defects. This is known as the “statute of repose.” The alleged defects must be found within 10 years of the building’s completion, and building owners have an additional 2 years to sue.

This is too long to allow such lawsuits, because several factors affect whether the claim is factual or just a play for insurance money (e.g., how well the building owner has maintained its building).

Twenty-two US states allow only 4-8 years to sue for such defects. Two of Texas neighbors – Louisiana and Arkansas – allow 5 years to sue, not 12.

#### Proposed legislation

This bill would shorten the time to sue for building defects to 4 years for “patent” (i.e., visible or obvious) defects and to 8 years for “latent” (i.e., hidden or concealed) defects.

#### Supported by:

- Texas Society of Architects
- AGC-Texas Building Branch
- American Council of Engineering Companies of Texas
- Associated Builders and Contractors of Texas
- Texas Construction Association

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