



## AGC-Texas Building Branch

### Legislative Position Paper

#### Contractors not liable for design defects

SB 219 by Chairman Hughes in Senate State Affairs  
HB 1418 by Chairman Leach in House Judiciary & Civil Jurisprudence

*\*\*\*most important AGC-TBB bill of the 2021 session\*\*\**

#### AGC Supports

##### Background

In 48 states, contractors are responsible for construction defects and architects/engineers are responsible for design defects.

In Texas, contractors are responsible for both construction defects AND architecture/engineer design defects—despite the fact that contractors do not have the architect/engineering license required by Texas law to do design work, do not have a contract with the architect/engineer, do not select the architect/engineer, and cannot sue for the architect/engineer's design defects.

##### Proposed legislation

This bill would make contractors no longer liable for architectural/engineering design defects unless the contractor knew about them and failed to disclose them. Contractors would remain liable for construction defects. Significantly, the bill also exempts critical infrastructure from the bill.

In 2019 the House passed a similar bill by Chairman Jeff Leach/Senator Chuy Hinojosa (HB 2899) for design defects on road and highway projects by a vote of 118-29, and the Senate passed it 31-0.

##### Supported by:

AGC-Texas Building Branch • Associated Builders and Contractors of Texas • Texas Construction Association

##### **For More Information – contact:**

Corbin Van Arsdale – [corbin@agctbb.org](mailto:corbin@agctbb.org), 512-964-1633

Wade Long – [lobbyist@sbcglobal.net](mailto:lobbyist@sbcglobal.net), 512-924-9193