



TEXAS CONSTRUCTION ASSOCIATION 2025 LEGISLATIVE AGENDA

SECURING RETAINAGE/RESERVED FUNDS S.B. 1612 by Sen. Nathan Johnson/H.B. 3287 by Rep. Keith Bell

Amends the Construction Trust Fund Act to statutorily classify funds retainage/reserved funds as trust funds.

- Does not apply to residential projects.
- Adds ability to recover attorney fees in a suit by a beneficiary against a trustee for misapplication of funds.

RELEASE OF RETAINAGE/RESERVED FUNDS S.B. 1530 by Sen. Juan Hinojosa/H.B. 3290 by Rep. Keith Bell

Amends the Property Code to increase objectivity and certainty around the timeline for release of retainage/reserved funds. Adds a deadline of 60 days after the issuance of a certificate of occupancy or after the building is being used for its intended purposes.

INCORPORATION BY REFERENCE S. B. 1040 by Sen. Tan Parker

Amends Business & Commerce Code § 272.001 to make a contract provision that incorporates documents by reference voidable if, upon request, the owner/GC/sub fails to provide incorporated documents to the requesting GC/sub/sub-sub at least 10 days prior to execution of the contract.

- Limited to documents that contain “terms and conditions”.
- Allows provision of documents via website or file hosting service.
- Allows redaction of documents.
- Allows for documents to be provided contemporaneously with the contract in the event of an emergency.
- Prohibits waiver.

CROSS-DEFAULT/OFFSET CLAUSES

S.B. 1614 by Sen. Nathan Johnson/H.B. 3289 by Rep. Keith Bell

Amends the Prompt Pay Act to clarify that a “good faith dispute” does not include a dispute relating to another contract.

S.B. 1615 by Sen. Nathan Johnson/H.B. 3288 by Rep. Keith Bell

Amends the Construction Trust Fund Act to clarify that withholding funds due to a disagreement on another contract is a misapplication of trust funds.

OUT OF STATE VENUE/LAWS H.B. 2960 by Rep. Richard Hayes

Reverses the 14th Court of Appeals ruling allowing for waiver of the statute classifying out of state law and venue contract clauses as voidable upon signing a contract with such a clause or incorporating by reference another contract with such a clause.

LIEN LAW CLEAN UP S.B. 929 by Sen. Nathan Johnson

Amends Property Code, Section 53.003(e) to apply to all deadlines, those that are statutorily defined and those that are calculated by counting days, and corrects statutory cross references in § 53.124(e).

CURB NUCLEAR VERDICTS

As a member of the Lone Star Economic Alliance, work to curb nuclear verdicts in personal injury and wrongful death cases by preventing the introduction of evidence that serves only to inflate damages and prejudice the jury.