

BILL ANALYSIS

Senate Research Center
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S.B. 710
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Single blockable drains in swimming pools, spas, and hot tubs can present the risk of entrapment. Some drains have such a powerful suction that they entrap hair or body parts and cause prolonged submersion under water, often leading to injury or death.

According to the United States Consumer Protection Commission, there were 94 reports of circulation entrapments, including 12 fatalities and 79 injuries, from 1999 through 2009. Of the 91 reports of death or injury, 75 percent of the victims were 15 years of age or younger.

Federal law requires the installation of anti-entrapment and other safety devices in all public pools. S.B. 710 raises awareness of suction entrapment by requiring an individual, upon the sale of a home, to disclose whether a residential swimming pool, hot tub, or spa contains, a "single blockable main drain." This notification must be included in the seller's disclosure notice.

As proposed, S.B. 710 amends current law relating to the disclosure of a hazardous drain in a swimming pool or spa by a seller of residential real property.

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 Section 5.008, Property Code, by amending Subsection (b) and adding Subsection (g), as follows:

(b) Requires that the seller's disclosure notice be executed and, at a minimum, read substantially similar to certain language as set forth in this subsection.

(g) Defines, in this section, "blockable main drain" and "main drain."

SECTION 2. Provides that this Act applies only to a transfer of property that occurs on or after the effective date of this Act. Provides that a transfer of property that occurs before the effective date of this Act is governed by the law applicable to the transfer immediately before that date, and the former law is continued in effect for that purpose. Provides that for the purposes of this section, a transfer of property occurs before the effective date of this Act if the contract binding the purchaser to purchase the property is executed before that date.

SECTION 3. Effective date: September 1, 2011.