

BILL ANALYSIS

Senate Research Center
76R9712 KLA-F

H.B. 3477
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Administration
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Engrossed

DIGEST

Currently, Texas law requires a person appointed as an independent executor or administrator by a probate court outside Texas to obtain ancillary letters testamentary from a Texas probate court in order to file a wrongful death or survival action in Texas. Probate courts routinely grant ancillary letters testamentary to out-of-state executors and administrators. For estates that only need ancillary letters testamentary for the purpose of filing a wrongful death or survival action in a Texas court, this requirement can be viewed as an unnecessary formality. This bill would remove the restriction requiring a foreign personal representative of an estate to obtain ancillary letters testamentary under certain conditions.

PURPOSE

As proposed, H.B. 3477 establishes the qualification of a foreign personal representative of an estate involved in a wrongful death or survival action.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 71A, Civil Practice and Remedies Code, by adding Section 71.012, as follows:

Sec. 71.012. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. Provides that the foreign personal representative of the estate of a nonresident individual who has complied with the requirements of Section 95, Texas Probate Code, for the probate of a foreign will is not required to apply for ancillary letters testamentary under Section 105, Texas Probate Code, to bring and prosecute the action, if the executor or administrator of the estate is the plaintiff in an action under this subchapter.

SECTION 2. Amends Chapter 71B, Civil Practice and Remedies Code, by adding Section 71.022, as follows:

Sec. 71.022. QUALIFICATION OF FOREIGN PERSONAL REPRESENTATIVE. Makes conforming changes.

SECTION 3. Emergency clause.
Effective date: upon passage.