

BILL ANALYSIS

Senate Research Center
88R13221 SCL-D

H.B. 3129
By: Guerra (Hughes)
Jurisprudence
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 51.014(a), Civil Practice and Remedies Code, amends the section providing grounds for appeal from an interlocutory order. This section was amended three times during the 87th Legislative Session, causing Subsection (a) to acquire three contextually different subdivisions that were all numbered (a)(15). This has resulted in confusion as lawyers who have filed appeals under Section 51.014 could not clearly indicate which one of the three (a)(15) provisions they were using. H.B. 3129 seeks to provide clarity through a nonsubstantive redesignation of those provisions.

H.B. 3129 amends current law relating to redesignation of certain provisions describing court orders eligible for an interlocutory appeal.

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. Reenacts Section 51.014(a), Civil Practice and Remedies Code, as amended by Chapters 167 (S.B. 232), 528 (S.B. 6), and 813 (H.B. 2086), Acts of the 87th Legislature, Regular Session, 2021, and amends it, as follows:

(a) Authorizes a person to appeal from an interlocutory order of a district court, county court at law, statutory probate court, or county court that:

(1)-(13) makes no changes to these subdivisions;

(14) makes a nonsubstantive change to this subdivision;

(15) makes a preliminary determination on a claim under Section 74.353 (Preliminary Determination for Expert Report Requirement);

(16) overrules an objection filed under Section 148.003(d) (relating to requiring a defendant in a suit for liability for causing exposure to a pandemic disease to file an objection to the sufficiency of a report by the claimant within a certain period of time) or denies all or part of the relief sought by a motion under Section 148.003(f) (relating to the actions of a court following the failure of the claimant to file a sufficient report within a timely manner providing a factual and scientific basis for the assertion that the defendant's failure to act is cause of the claimant to contract the pandemic disease); or

(17) grants or denies a motion for summary judgment filed by a contractor based on Section 97.002 (Limit on Liability of Certain Highway, Road, and Street Contractors).

SECTION 2. Effective date: September 1, 2023.