

AN ACT

relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 27.010(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) an enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, a criminal district attorney, or a county attorney;

(2) a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer;

(3) a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action;

(4) a legal action brought under the Insurance Code or arising out of an insurance contract;

(5) a legal action arising from an officer-director,

1 employee-employer, or independent contractor relationship that:

2 (A) seeks recovery for misappropriation of trade
3 secrets or corporate opportunities; or

4 (B) seeks to enforce a non-disparagement
5 agreement or a covenant not to compete;

6 (6) a legal action filed under Title 1, 2, 4, or 5,
7 Family Code, or an application for a protective order under
8 Subchapter A, Chapter 7B, Code of Criminal Procedure;

9 (7) a legal action brought under Chapter 17, Business
10 & Commerce Code, other than an action governed by Section 17.49(a)
11 of that chapter;

12 (8) a legal action in which a moving party raises a
13 defense pursuant to Section 160.010, Occupations Code, Section
14 161.033, Health and Safety Code, or the Health Care Quality
15 Improvement Act of 1986 (42 U.S.C. 11101 et seq.);

16 (9) an eviction suit brought under Chapter 24,
17 Property Code;

18 (10) a disciplinary action or disciplinary proceeding
19 brought under Chapter 81, Government Code, or the Texas Rules of
20 Disciplinary Procedure;

21 (11) a legal action brought under Chapter 554,
22 Government Code; [~~or~~]

23 (12) a legal action based on a common law fraud claim;
24 or

25 (13) a legal malpractice claim brought by a client or
26 former client.

27 SECTION 2. Section 27.010(a), Civil Practice and Remedies

1 Code, as amended by this Act, applies only to an action commenced on
2 or after the effective date of this Act. An action commenced before
3 the effective date of this Act is governed by the law applicable to
4 the action immediately before the effective date of this Act, and
5 that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 527 was passed by the House on April 26, 2023, by the following vote: Yeas 121, Nays 27, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 527 on May 25, 2023, by the following vote: Yeas 109, Nays 27, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 527 was passed by the Senate, with amendments, on May 19, 2023, by the following vote: Yeas 29, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor