

By: Nixon

H.B. No. 315

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a statute of repose for certain malpractice suits
3 against attorneys.

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

5 SECTION 1. Subchapter A, Chapter 16, Civil Practice and
6 Remedies Code, is amended by adding Section 16.013 to read as
7 follows:

8 Sec. 16.013. CERTAIN LEGAL MALPRACTICE SUITS. (a) A person
9 must bring suit for damages arising from an injury or loss caused by
10 legal malpractice by an attorney that occurs during the attorney's
11 representation of the person in a suit involving a claim for damages
12 or other relief made by or against the person:

13 (1) not later than the 10th anniversary of the date the
14 claim is settled or a suit involving the claim reaches a final,
15 unappealable judgment or is dismissed if the settlement or judgment
16 is reached or the dismissal occurs on or after September 1, 2003; or

17 (2) not later than September 1, 2005, or the 10th
18 anniversary of the date the settlement or judgment is reached or the
19 dismissal occurs, whichever is later, if the settlement or judgment
20 is reached or the dismissal occurs before September 1, 2003.

21 (b) If the claimant presents a written claim for damages to
22 the attorney during the 10-year limitations period, the period is
23 extended for two years from the date the claim is presented.

24 (c) This section is a statute of repose and is independent

1 of any other limitations period.

2 SECTION 2. This Act takes effect September 1, 2003.