

By: Jackson

S.B. No. 713

A BILL TO BE ENTITLED

AN ACT

relating to notification requirements to maintain a suit against a county.

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

SECTION 1. Chapter 89, Local Government Code, is amended by adding Section 89.0041 to read as follows:

Sec. 89.0041. NOTICE OF SUIT AGAINST COUNTY. (a) Not later than the end of the next business day after the date on which a person files suit against a county, the person shall deliver, by personal delivery, written notice to:

(1) the county judge;

(2) each county commissioner; and

(3) the county or district attorney having jurisdiction to defend the county in a civil suit.

(b) The written notice must contain:

(1) the style and cause number of the suit;

(2) the court in which the suit was filed; and

(3) the date on which the suit was filed.

(c) A person is considered to have delivered notice to an officer under Subsection (a) if the person delivers the notice to an individual who is working at the place at which the officer ordinarily conducts the affairs of the office and whose duties include accepting delivery of items addressed to the officer.

(d) Subsection (a) does not require a person to deliver

1 notice if the position is vacant.

2 (e) If a person does not give notice as required by this
3 section, the court in which the suit is filed shall dismiss the suit
4 on a motion for dismissal made by the county.

5 SECTION 2. This Act takes effect September 1, 2003, and
6 applies only to a suit filed on or after that date. A suit filed
7 before that date is governed by the law in effect when the suit was
8 filed, and the former law is continued in effect for that purpose.