

By: Nixon

H.B. No. 735

A BILL TO BE ENTITLED

AN ACT

relating to updating citations to Chapter 74, Civil Practice and Remedies Code, in the Business & Commerce Code.

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

SECTION 1. Section 26.01(b), Business & Commerce Code, is amended to read as follows:

(b) Subsection (a) of this section applies to:

(1) a promise by an executor or administrator to answer out of his own estate for any debt or damage due from his testator or intestate;

(2) a promise by one person to answer for the debt, default, or miscarriage of another person;

(3) an agreement made on consideration of marriage or on consideration of nonmarital conjugal cohabitation;

(4) a contract for the sale of real estate;

(5) a lease of real estate for a term longer than one year;

(6) an agreement which is not to be performed within one year from the date of making the agreement;

(7) a promise or agreement to pay a commission for the sale or purchase of:

(A) an oil or gas mining lease;

(B) an oil or gas royalty;

(C) minerals; or

1 (D) a mineral interest; and

2 (8) an agreement, promise, contract, or warranty of
3 cure relating to medical care or results thereof made by a physician
4 or health care provider as defined in Section 74.001, Civil
5 Practice and Remedies Code [~~1.03, Medical Liability and Insurance~~
6 ~~Improvement Act of Texas~~]. This section shall not apply to
7 pharmacists.

8 SECTION 2. (a) This Act applies only to a cause of action
9 that accrues on or after the effective date of this Act. An action
10 that accrued before the effective date of this Act is governed by
11 the law applicable to the action immediately before the effective
12 date of this Act, and that law is continued in effect for that
13 purpose.

14 (b) This Act applies only to an act, including an agreement,
15 promise, contract, warranty, notice, request, disclosure, use of a
16 consent form, or report, made or occurring on or after the effective
17 date of this Act.

18 SECTION 3. This Act takes effect September 1, 2005.