

1-1 By: Nixon (Senate Sponsor - Duncan) H.B. No. 735
1-2 (In the Senate - Received from the House March 29, 2005;
1-3 March 30, 2005, read first time and referred to Committee on State
1-4 Affairs; May 3, 2005, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 3, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to updating citations to Chapter 74, Civil Practice and
1-9 Remedies Code, in the Business & Commerce Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 26.01(b), Business & Commerce Code, is
1-12 amended to read as follows:

1-13 (b) Subsection (a) of this section applies to:

1-14 (1) a promise by an executor or administrator to
1-15 answer out of his own estate for any debt or damage due from his
1-16 testator or intestate;

1-17 (2) a promise by one person to answer for the debt,
1-18 default, or miscarriage of another person;

1-19 (3) an agreement made on consideration of marriage or
1-20 on consideration of nonmarital conjugal cohabitation;

1-21 (4) a contract for the sale of real estate;

1-22 (5) a lease of real estate for a term longer than one
1-23 year;

1-24 (6) an agreement which is not to be performed within
1-25 one year from the date of making the agreement;

1-26 (7) a promise or agreement to pay a commission for the
1-27 sale or purchase of:

1-28 (A) an oil or gas mining lease;

1-29 (B) an oil or gas royalty;

1-30 (C) minerals; or

1-31 (D) a mineral interest; and

1-32 (8) an agreement, promise, contract, or warranty of
1-33 cure relating to medical care or results thereof made by a physician
1-34 or health care provider as defined in Section 74.001, Civil
1-35 Practice and Remedies Code [~~1.03, Medical Liability and Insurance~~
1-36 ~~Improvement Act of Texas~~]. This section shall not apply to
1-37 pharmacists.

1-38 SECTION 2. (a) This Act applies only to a cause of action
1-39 that accrues on or after the effective date of this Act. An action
1-40 that accrued before the effective date of this Act is governed by
1-41 the law applicable to the action immediately before the effective
1-42 date of this Act, and that law is continued in effect for that
1-43 purpose.

1-44 (b) This Act applies only to an act, including an agreement,
1-45 promise, contract, warranty, notice, request, disclosure, use of a
1-46 consent form, or report, made or occurring on or after the effective
1-47 date of this Act.

1-48 SECTION 3. This Act takes effect September 1, 2005.

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