

By: Nixon

H.B. No. 1133

A BILL TO BE ENTITLED

AN ACT

relating to interlocutory appeals.

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

SECTION 1. Section 51.014, Civil Practice and Remedies Code, is amended by amending Subsections (d) and (e) to read as follows:

(d) A district court, county court at law, or county court may issue a written order for interlocutory appeal in a civil action not otherwise appealable under this section if:

(1) the parties agree that the order involves a controlling question of law as to which there is a substantial ground for difference of opinion;

(2) an immediate appeal from the order may materially advance the ultimate termination of the litigation; and

(3) the parties agree to the order.

(e) An appeal under Subsection (d) does not stay proceedings in the trial [~~district~~] court unless the parties agree and the trial court [~~the district court~~], the court of appeals, or a judge of the court of appeals orders a stay of the proceedings.

SECTION 2. Section 51.014(f), Civil Practice and Remedies Code, is repealed.

SECTION 3. (a) Except as provided by this section, the change in law made by this Act applies to an action filed before, on, or after the effective date of this Act.

1 (b) The change in law made by this Act does not apply to an
2 interlocutory order issued under Section 51.014, Civil Practice and
3 Remedies Code, before the effective date of this Act. An
4 interlocutory order issued under that section before the effective
5 date of this Act is governed by the law in effect immediately before
6 that date, and that law is continued in effect for that purpose.

7 SECTION 4. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2005.