

By: Solis

H.B. No. 2875

Substitute the following for H.B. No. 2875:

By: Hartnett

C.S.H.B. No. 2875

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a statutory probate court judge's authority to transfer  
3 certain proceedings from another court to the statutory probate  
4 court and to the venue for certain actions brought by or against a  
5 guardian, executor, or other personal representative.

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

7 SECTION 1. Section 5A(f), Texas Probate Code, is amended to  
8 read as follows:

9 (f) Notwithstanding any other provision of this chapter,  
10 the proper venue for an action by or against a personal  
11 representative for personal injury, death, or property damages  
12 related to personal injury or death claims is determined under  
13 Section 15.007, Civil Practice and Remedies Code.

14 SECTION 2. Section 5B, Texas Probate Code, is amended by  
15 amending Subsection (b) and adding Subsection (c) to read as  
16 follows:

17 (b) Notwithstanding any other provision of this chapter,  
18 the proper venue for an action by or against a personal  
19 representative for personal injury, death, or property damages  
20 related to personal injury or death claims is determined under  
21 Section 15.007, Civil Practice and Remedies Code.

22 (c) Except with respect to a cause of action described by  
23 Section 15.007, Civil Practice and Remedies Code, a judge of a  
24 statutory probate court may transfer a cause of action described by

1 Subsection (a) of this section from a court to the statutory probate  
2 court as provided by Subsection (a) even if venue for the action is  
3 proper or mandatory in the county of the court from which the action  
4 is to be transferred.

5 SECTION 3. Section 607(e), Texas Probate Code, is amended  
6 to read as follows:

7 (e) Notwithstanding any other provision of this chapter,  
8 the proper venue for an action by or against a guardian [~~personal~~  
9 ~~representative~~] for personal injury, death, or property damages  
10 related to personal injury or death claims is determined under  
11 Section 15.007, Civil Practice and Remedies Code.

12 SECTION 4. Section 608, Texas Probate Code, is amended to  
13 read as follows:

14 Sec. 608. TRANSFER OF GUARDIANSHIP PROCEEDING. (a) A judge  
15 of a statutory probate court, on the motion of a party to the action  
16 or of a person interested in a guardianship, may transfer to the  
17 judge's court from a district, county, or statutory court a cause of  
18 action appertaining to or incident to a guardianship estate that is  
19 pending in the statutory probate court or a cause of action relating  
20 to a guardianship in which a guardian, ward, or proposed ward in a  
21 guardianship pending in the statutory probate court is a party and  
22 may consolidate the transferred cause of action with the other  
23 proceedings in the statutory probate court relating to the  
24 guardianship estate.

25 (b) Except with respect to a cause of action described by  
26 Section 15.007, Civil Practice and Remedies Code, a judge of a  
27 statutory probate court may transfer a cause of action described by

1 Subsection (a) of this section from a court to the statutory probate  
2 court as provided by Subsection (a) even if venue for the action is  
3 proper or mandatory in the county of the court from which the action  
4 is to be transferred.

5 SECTION 5. Section 15.007, Civil Practice and Remedies  
6 Code, is amended to read as follows:

7 Sec. 15.007. CONFLICT WITH CERTAIN PROVISIONS.  
8 Notwithstanding Sections 15.004, 15.005, and 15.031, to the  
9 extent that venue under this chapter for a suit by or against an  
10 executor, administrator, or guardian as such, for personal injury,  
11 death, or property damage related to personal injury or death  
12 claims conflicts with venue provisions under the Texas Probate  
13 Code, this chapter controls.

14 SECTION 6. The changes in law made by this Act apply only to  
15 actions commenced on or after the effective date of this Act. An  
16 action that is commenced before the effective date of this Act is  
17 governed by the law applicable to the action immediately before the  
18 effective date of this Act, and that law is continued in effect for  
19 that purpose.

20 SECTION 7. This Act takes effect September 1, 2005.