

BILL ANALYSIS

S.B. 699
By: Carona
Business & Industry
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Section 30.015, Civil Practice and Remedies Code, requires that a party or the party's attorney in a civil action provide the clerk of the court with the party's name and current residence or business address. Section 52.003(a), Property Code, requires that this identifying information be contained in an abstract of judgment along with the birth date of the defendant, if available to the clerk or justice. The information required is often insufficient to identify the person against whom the judgment is entered, making it difficult to collect amounts owed under abstracts of judgment.

S.B. 699 requires each party or party's attorney in a civil action to provide the last two numbers of each party's driver's license number and the last four numbers of each party's Social Security number to the clerk of the court within a specified amount of time after the lawsuit is filed. The bill authorizes a court to issue a contempt finding if party fails to provide required information.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 30, Civil Practice and Remedies Code, by adding Section 30.014, as follows:

Sec. 30.014. PLEADINGS MUST CONTAIN PARTIAL IDENTIFICATION. (a) Requires each party or party's attorney in a civil action filed in a district court, county court, statutory county court, or statutory probate court, to include the last two numbers of the party's driver's license number and the last four numbers of the party's social security number in its initial pleadings.

(b) Authorizes a court, on its own motion or the motion of a party, to order that an initial pleading be amended to contain the information listed under Subsection (a) if that pleading is determined by the court to be missing said information. Authorizes a court to find a party in contempt if the party does not amend the pleading as ordered by the court under this subsection.

SECTION 2. Amends Section 52.003(a), Property Code, to make conforming changes.

SECTION 3. Makes application of Section 30.014, Civil Practice and Remedies Code, as added by this Act, prospective.

SECTION 4. Effective date: September 1, 2007.

EFFECTIVE DATE

September 1, 2007.