

By: Phillips

H.B. No. 3086

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the statute of limitations applicable to certain  
3 actions on a claim under a marital property agreement.

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

5 SECTION 1. Subchapter B, Chapter 4, Family Code, is amended  
6 by adding Section 4.107 to read as follows:

7 Sec. 4.107. LIMITATION OF ACTIONS. A statute of  
8 limitations applicable to an action asserting a claim for relief  
9 under an agreement under this subchapter is tolled during the  
10 marriage of the parties to the agreement. However, equitable  
11 defenses limiting the time for enforcement, including laches and  
12 estoppel, are available to either party.

13 SECTION 2. Subchapter C, Chapter 4, Family Code, is amended  
14 by adding Section 4.207 to read as follows:

15 Sec. 4.207. LIMITATION OF ACTIONS. A statute of  
16 limitations applicable to an action asserting a claim for relief  
17 under an agreement under this subchapter is tolled during the  
18 marriage of the parties to the agreement. However, equitable  
19 defenses limiting the time for enforcement, including laches and  
20 estoppel, are available to either party.

21 SECTION 3. The changes in law made by this Act apply to an  
22 agreement under Subchapter B or C, Chapter 4, Family Code, without  
23 regard to whether the agreement was made before, on, or after the  
24 effective date of this Act.

1           SECTION 4. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2007.