

By: Huffman

S.B. No. 1384

A BILL TO BE ENTITLED

AN ACT

relating to permissive interlocutory appeals in civil actions.

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

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

(d) A district court, statutory county court [~~at law~~], statutory probate court, or county court may in a civil action by [~~issue a~~] written order permit an appeal from an [~~for~~] interlocutory order that is [~~appeal in a civil action~~] not otherwise appealable [~~under this section~~] if:

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

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

[~~(3) the parties agree to the order~~].

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 Subsection (e), Section 51.014, Civil Practice and Remedies Code, is repealed.

SECTION 3. The change in law made by this Act applies only to a civil action pending or commenced on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2009.