

A BILL TO BE ENTITLED

AN ACT

relating to the time for bringing an action on a consumer debt.

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

SECTION 1. Section 16.004, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) Except as provided by Subsection (d), a [A] person must bring suit on the following actions not later than four years after the day the cause of action accrues:

(1) specific performance of a contract for the conveyance of real property;

(2) penalty or damages on the penal clause of a bond to convey real property;

(3) debt;

(4) fraud; or

(5) breach of fiduciary duty.

(d) A person must bring suit on a cause of action on a consumer debt, as defined by Section 392.001, Finance Code, not later than four years after the 60th day after the later of:

(1) the date of the last payment on the account by the debtor other than a payment in violation of the federal Fair Debt Collection Practices Act (15 U.S.C. 1692 et seq.) or Subchapter D, Chapter 392, Finance Code; or

(2) the date of the last charge on the account by the

1 debtor.

2 (e) This section does not apply to an action that is subject  
3 to Section 3.118, Business & Commerce Code.

4 SECTION 2. The change in law made by this Act applies only  
5 to an action on a consumer debt on which a payment or charge on the  
6 account is made on or after the effective date of this Act. An  
7 action on a consumer debt on which a payment or charge is not made on  
8 or after the effective date of this Act is governed by the law in  
9 effect immediately before the effective date of this Act, and that  
10 law is continued in effect for that purpose.

11 SECTION 3. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.