

1-1 By: Duncan S.B. No. 1456
1-2 (In the Senate - Filed March 6, 2009; March 17, 2009, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 15, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 15, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1456 By: Duncan

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the time for bringing an action on a consumer debt.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 16.004, Civil Practice and Remedies
1-13 Code, is amended by amending Subsection (a) and adding Subsections
1-14 (d) and (e) to read as follows:

1-15 (a) Except as provided by Subsection (d), a [A] person must
1-16 bring suit on the following actions not later than four years after
1-17 the day the cause of action accrues:

1-18 (1) specific performance of a contract for the
1-19 conveyance of real property;

1-20 (2) penalty or damages on the penal clause of a bond to
1-21 convey real property;

1-22 (3) debt;

1-23 (4) fraud; or

1-24 (5) breach of fiduciary duty.

1-25 (d) A person must bring suit on a cause of action on a
1-26 consumer debt, as defined by Section 392.001, Finance Code, not
1-27 later than four years after the 60th day after the later of:

1-28 (1) the date of the last payment on the account by the
1-29 debtor other than a payment in violation of the federal Fair Debt
1-30 Collection Practices Act (15 U.S.C. 1692 et seq.) or Subchapter D,
1-31 Chapter 392, Finance Code; or

1-32 (2) the date of the last charge on the account by the
1-33 debtor.

1-34 (e) This section does not apply to an action that is subject
1-35 to Section 3.118, Business & Commerce Code.

1-36 SECTION 2. The change in law made by this Act applies only
1-37 to an action on a consumer debt on which a payment or charge on the
1-38 account is made on or after the effective date of this Act. An
1-39 action on a consumer debt on which a payment or charge is not made on
1-40 or after the effective date of this Act is governed by the law in
1-41 effect immediately before the effective date of this Act, and that
1-42 law is continued in effect for that purpose.

1-43 SECTION 3. This Act takes effect immediately if it receives
1-44 a vote of two-thirds of all the members elected to each house, as
1-45 provided by Section 39, Article III, Texas Constitution. If this
1-46 Act does not receive the vote necessary for immediate effect, this
1-47 Act takes effect September 1, 2009.

1-48 * * * * *