1-1	By: Duncan S.B. No. 679
1-2 1-3	(In the Senate - Filed February 20, 2013; February 25, 2013, read first time and referred to Committee on State Affairs;
1-4	March 27, 2013, reported adversely, with favorable Committee
1-5	Substitute by the following vote: Yeas 9, Nays 0; March 27, 2013,
1-6	sent to printer.)
1-7	COMMITTEE VOTE
⊥ /	COMMITTEE VOIE
1-8	Yea Nay Absent PNV
1-9	Duncan X
1-10 1-11	Deuell X Ellis X
1-12	Fraser X
1-13	Huffman X
1-14	Lucio X
1 - 15 1 - 16	Nichols X Van de Putte X
1 - 17	Williams X
1 10	
1-18	COMMITTEE SUBSTITUTE FOR S.B. No. 679By: Duncan
1-19	A BILL TO BE ENTITLED
1-20	AN ACT
1 0 1	welsting to contain uses all supporting officiarity filed as
1-21 1-22	relating to certain records and supporting affidavits filed as evidence in certain actions.
1-23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24	SECTION 1. Subsections (b) and (d), Section 18.001, Civil
1-25	Practice and Remedies Code, are amended to read as follows:
1-26 1-27	(b) Unless a controverting affidavit is <u>served</u> [filed] as provided by this section, an affidavit that the amount a person
1-28	charged for a service was reasonable at the time and place that the
1-29	service was provided and that the service was necessary is
1-30 1-31	sufficient evidence to support a finding of fact by judge or jury
1-31	that the amount charged was reasonable or that the service was necessary.
1-33	(d) The party offering the affidavit in evidence or the
1-34	party's attorney must serve a copy of the affidavit on each other
1-35 1-36	party to the case at least 30 days before the day on which evidence is first presented at the trial of the case. Except as provided by
1-30	the Texas Rules of Evidence, the records attached to the affidavit
1-38	are not required to be filed with the clerk of the court before the
1-39	trial commences.
1-40 1-41	SECTION 2. Section 18.002, Civil Practice and Remedies Code, is amended by adding Subsections (b-1) and (b-2) to read as
1-42	follows:
1-43	(b-1) Notwithstanding Subsection (b), an affidavit
1-44	concerning proof of medical expenses is sufficient if it
1-45 1-46	substantially complies with the following form: Affidavit of Records Custodian of
1-47	
1-48	STATE OF TEXAS §
1-49	
1 - 50 1 - 51	<u>COUNTY OF</u> Before me, the undersigned authority, personally appeared
1-52	, who, being by me duly sworn, deposed as follows:
1-53	My name is I am of
1-54	sound mind and capable of making this affidavit, and personally
1 - 55 1 - 56	acquainted with the facts herein stated. I am a custodian of records for Attached to this
1-57	affidavit are records that provide an itemized statement of the
1-58	service and the charge for the service that provided to
1-59	on The attached records are a part of this
1-60	affidavit.

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2-1	The attached records are kept by in the regular
2-2	course of business, and it was the regular course of business of
2-3	for an employee or representative of, with
2-4	knowledge of the service provided, to make the record or to transmit
2-5	information to be included in the record. The records were made in
2-6	the regular course of business at or near the time or reasonably
2-7	soon after the time the service was provided. The records are the
2-8	original or a duplicate of the original.
2-9	The services provided were necessary and the amount charged
2-10	for the services was reasonable at the time and place that the
2-11	services were provided.
2-12	The total amount paid for the services was \$ and the
2-13	amount currently unpaid but which has a right to be paid
2-14	after any adjustments or credits is \$
2-15	
2-16	Affiant
2-17	SWORN TO AND SUBSCRIBED before me on the day of,
2-18	·
2-19	
2-20	Notary Public, State of Texas
2-21	Notary's printed name:
2-22	My commission expires:
2-23	(b-2) If a medical bill or other itemized statement attached
2-24	to an affidavit under Subsection (b-1) reflects a charge that is not
2-25	recoverable, the reference to that charge is not admissible.
2-26	SECTION 3. As soon as practicable after the effective date
2-27	of this Act, the Texas Supreme Court shall amend Rule 902(10), Texas
2-28 2-29	Rules of Evidence, to provide that medical records and medical
2-29 2-30	billing information otherwise attached to an affidavit made for the
2-30 2-31	purposes of that rule and served with the affidavit on the other
2-31	parties to the relevant action are not required to be filed with the clerk of the court before the trial commences.
2-32 2-33	SECTION 4. The change in law made by this Act applies only
2-33 2-34	to an action commenced on or after the effective date of this Act.
2-34 2 - 35	An action commenced before the effective date of this Act is
2-35	governed by the law applicable to the action immediately before the
2-50	governed by the raw appricable to the action inmediately before the

effective date of this Act, and that law is continued in effect for that purpose. SECTION 5. This Act takes effect September 1, 2013. 2-37 2-38 2-39

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