

1-1 By: Duncan S.B. No. 679
 1-2 (In the Senate - Filed February 20, 2013; February 25, 2013,
 1-3 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

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 679 By: Duncan

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain records and supporting affidavits filed as
 1-22 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 (b) Unless a controverting affidavit is served [~~filed~~] as
 1-27 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 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
 1-32 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 party to the case at least 30 days before the day on which evidence
 1-36 is first presented at the trial of the case. Except as provided by
 1-37 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 SECTION 2. Section 18.002, Civil Practice and Remedies
 1-41 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 substantially complies with the following form:

1-46 Affidavit of Records Custodian of

1-47
 1-48 STATE OF TEXAS §

1-49 §

1-50 COUNTY OF §

1-51 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 acquainted with the facts herein stated.

1-56 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.

