

By: Guerra

H.B. No. 3635

A BILL TO BE ENTITLED

AN ACT

relating to evidence in a civil action concerning the provision and cost of certain services.

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

SECTION 1. Sections 18.001(c) and (d), Civil Practice and Remedies Code, are amended to read as follows:

(c) The affidavit must:

(1) be taken before an officer with authority to administer oaths;

(2) be made by:

(A) the person who provided the service; or

(B) the person in charge of records showing the service provided and charge made; and

(3) include:

(A) an itemized statement of the service and charge; and

(B) for a medical service, medical records and medical billing information relating to the service.

(d) The party offering the affidavit in evidence or the party's attorney must serve a copy of the affidavit and any itemized statement, medical records, or medical billing information required by Subsection (c)(3) on each other 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 the Texas Rules of

1 Evidence, the records attached to the affidavit are not required to  
2 be filed with the clerk of the court before the trial commences.

3 SECTION 2. The change in law made by this Act applies only  
4 to an action commenced on or after the effective date of this Act.  
5 An action commenced before the effective date of this Act is  
6 governed by the law applicable to the action immediately before the  
7 effective date of this Act, and that law is continued in effect for  
8 that purpose.

9 SECTION 3. This Act takes effect September 1, 2015.