

By: King of Uvalde

H.B. No. 3356

Substitute the following for H.B. No. 3356:

By: Smithee

C.S.H.B. No. 3356

A BILL TO BE ENTITLED

AN ACT

relating to privacy of certain structured settlement information.

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

SECTION 1. Section 141.006, Civil Practice and Remedies Code, is amended by adding Subsections (d) and (e) to read as follows:

(d) If the application under this chapter for approval of a transfer of structured settlement payment rights includes a written request by the payee to conceal from public inspection the personally identifiable information of the payee and the court and each interested party required to receive notice under Subsection (b) receive complete, unredacted copies of the application, other pleadings, and any order in the time provided by Subsection (b), as applicable:

(1) in any application, other pleadings, or any order filed or submitted, the court shall permit the full redaction of the name of the payee, the address of the payee, and other information that could reasonably be used to determine the identity or address of the payee, including the names of dependents, family members, and beneficiaries; and

(2) with respect to any order issued approving or denying the transfer of structured settlement payment rights:

(A) a copy of the order, with the information described by Subdivision (1) redacted, shall be filed as part of the

1 public record;

2 (B) at the same time as the filing under
3 Paragraph (A), an unredacted copy of the order shall be issued under
4 seal and shall be provided to the transferee and each interested
5 party entitled to notice under Subsection (b); and

6 (C) not earlier than six months after the date
7 the order is issued, the court on its own initiative may, or on the
8 motion of any person including a member of the general public shall,
9 unseal the unredacted order and make the order part of the public
10 record.

11 (e) Except as provided by this subsection, Rule 76a, Texas
12 Rules of Civil Procedure, applies to all court proceedings and
13 filings under this chapter. A party is not required to comply with
14 that rule in order to redact the payee's personally identifiable
15 information under Subsection (d)(1) or for the purpose of issuing
16 an unredacted copy of the order under seal under Subsection (d)(2).

17 SECTION 2. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2017.