

BILL ANALYSIS

C.S.H.B. 2891
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Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that statutes governing the recovery of attorney's fees in civil actions may disproportionately burden veterinarians who are sued for malpractice, in comparison with members of other professions who are sued for that reason, and may encourage excessive litigation. C.S.H.B. 2891 seeks to address these concerns by more clearly defining the claims against veterinarians in which attorney's fees are recoverable as claims involving livestock animals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2891 amends the Civil Practice and Remedies Code to revise a provision authorizing the recovery of attorney's fees from an individual or corporation, in addition to the amount of a valid claim and costs, in a claim for killed or injured stock to specify that the applicable claim is for a killed or injured livestock animal, defined by reference to statutory provisions relating to the limitation of liability for a person assisting certain animals.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2891 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a provision prohibiting a person from recovering attorney's fees in certain claims against a licensed veterinarian, but the substitute includes a specification that an applicable claim in which attorney's fees are recoverable relates to a livestock animal.