

By: J. Johnson of Dallas

H.B. No. 2500

A BILL TO BE ENTITLED

AN ACT

relating to settlement offers in certain civil actions.

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

SECTION 1. Section 42.002(c), Civil Practice and Remedies Code, is amended to read as follows:

(c) This chapter does not apply until a party to the action ~~[defendant]~~ files a declaration that the settlement procedure allowed by this chapter is available in the action. The ~~[If there is more than one defendant, the]~~ settlement procedure allowed by this chapter is available only in relation to the party ~~[defendant]~~ that filed the declaration and to the parties that make or receive offers of settlement in relation to that party ~~[defendant]~~.

SECTION 2. Section 42.005(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) The rules promulgated by the supreme court must provide:

(1) the date by which a party to the action ~~[defendant or defendants]~~ must file the declaration required by Section 42.002(c);

(2) the date before which a party may not make a settlement offer;

(3) the date after which a party may not make a settlement offer; and

(4) procedures for:

(A) making an initial settlement offer;

- 1 (B) making successive settlement offers;
- 2 (C) withdrawing a settlement offer;
- 3 (D) accepting a settlement offer;
- 4 (E) rejecting a settlement offer; and
- 5 (F) modifying the deadline for making,
- 6 withdrawing, accepting, or rejecting a settlement offer.

7 SECTION 3. (a) The Supreme Court of Texas shall adopt rules
8 implementing the amendment made by this Act to Section 42.005(b),
9 Civil Practice and Remedies Code. The rules must be in effect on
10 January 1, 2020.

11 (b) The changes in law made by this Act apply only to a civil
12 action filed on or after January 1, 2020. An action filed before
13 January 1, 2020, including an action filed before that date on which
14 a party is joined or designated after that date, is governed by the
15 law as it existed immediately before the effective date of this Act,
16 and that law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2019.