

By: Leach

H.B. No. 3613

Substitute the following for H.B. No. 3613:

By: Smith

C.S.H.B. No. 3613

A BILL TO BE ENTITLED

1 AN ACT

2 relating to rules regarding the assertion of an exemption of  
3 certain personal property from garnishment, attachment, execution,  
4 or other seizure by creditors.

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

6 SECTION 1. Subchapter A, Chapter 22, Government Code, is  
7 amended by adding Section 22.0042 to read as follows:

8 Sec. 22.0042. RULES REGARDING EXEMPTIONS FROM SEIZURE OF  
9 PROPERTY; FORM. (a) The supreme court shall adopt rules that:

10 (1) establish a simple and expedited procedure for a  
11 judgment debtor to assert an exemption to the seizure of personal  
12 property by a judgment creditor or a receiver appointed under  
13 Section 31.002, Civil Practice and Remedies Code;

14 (2) require a court to stay a proceeding, for a  
15 reasonable period, to allow for the assertion of an exemption under  
16 Subdivision (1); and

17 (3) require a court to promptly set a hearing and stay  
18 proceedings until a hearing is held, if a judgment debtor timely  
19 asserts an exemption under Subdivision (1).

20 (b) Rules adopted under this section shall require the  
21 provision of a notice in plain language to a judgment debtor  
22 regarding the right of the judgment debtor to assert one or more  
23 exemptions under Subsection (a)(1). The notice must:

24 (1) be in English with an integrated Spanish

1 translation that can be readily understood by the public and the  
2 court;

3 (2) include the form promulgated under Subsection (c);

4 (3) list all exemptions under state and federal law to  
5 the seizure of personal property; and

6 (4) provide information for accessing free or low-cost  
7 legal assistance.

8 (c) Rules adopted under this section shall include the  
9 promulgation of a form in plain language for asserting an exemption  
10 under Subsection (a)(1). A form promulgated under this subsection  
11 must:

12 (1) be in English with an integrated Spanish  
13 translation that can be readily understood by the public and the  
14 court; and

15 (2) include instructions for the use of the form.

16 (d) A court shall accept a form promulgated under Subsection  
17 (c) unless the form has been completed in a manner that causes a  
18 substantive defect that cannot be cured.

19 SECTION 2. Not later than May 1, 2022, the Supreme Court of  
20 Texas shall adopt rules and promulgate forms under Section 22.0042,  
21 Government Code, as added by this Act.

22 SECTION 3. This Act takes effect September 1, 2021.