

SENATE AMENDMENTS

2nd Printing

By: Wu, Schofield, Longoria

H.B. No. 527

A BILL TO BE ENTITLED

AN ACT

relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.

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

SECTION 1. Section 27.010(a), Civil Practice and Remedies Code, is amended to read as follows:

(a) This chapter does not apply to:

(1) an enforcement action that is brought in the name of this state or a political subdivision of this state by the attorney general, a district attorney, a criminal district attorney, or a county attorney;

(2) a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer;

(3) a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action;

(4) a legal action brought under the Insurance Code or arising out of an insurance contract;

(5) a legal action arising from an officer-director,

employee-employer, or independent contractor relationship that:

(A) seeks recovery for misappropriation of trade secrets or corporate opportunities; or

(B) seeks to enforce a non-disparagement agreement or a covenant not to compete;

(6) a legal action filed under Title 1, 2, 4, or 5, Family Code, or an application for a protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure;

(7) a legal action brought under Chapter 17, Business & Commerce Code, other than an action governed by Section 17.49(a) of that chapter;

(8) a legal action in which a moving party raises a defense pursuant to Section 160.010, Occupations Code, Section 161.033, Health and Safety Code, or the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11101 et seq.);

(9) an eviction suit brought under Chapter 24, Property Code;

(10) a disciplinary action or disciplinary proceeding brought under Chapter 81, Government Code, or the Texas Rules of Disciplinary Procedure;

(11) a legal action brought under Chapter 554, Government Code; ~~[or]~~

(12) a legal action based on a common law fraud claim; or

(13) a legal malpractice claim.

SECTION 2. Section 27.010(a), Civil Practice and Remedies Code, as amended by this Act, applies only to an action commenced on

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1 or after the effective date of this Act. An action commenced before
2 the effective date of this Act is governed by the law applicable to
3 the action immediately before the effective date of this Act, and
4 that law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2023.

ADOPTED

MAY 19 2023

By: Zaffarini

H.B. No. 527

Substitute the following for H.B. No. 527 *Law*
Secretary of the Senate

By: Bryan Hughes

C.S. H.B. No. 527

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(2) a legal action brought against a person primarily engaged in the business of selling or leasing goods or services, if the statement or conduct arises out of the sale or lease of goods, services, or an insurance product, insurance services, or a commercial transaction in which the intended audience is an actual or potential buyer or customer;

(3) a legal action seeking recovery for bodily injury, wrongful death, or survival or to statements made regarding that legal action;

(4) a legal action brought under the Insurance Code or arising out of an insurance contract;

(5) a legal action arising from an officer-director,

1 employee-employer, or independent contractor relationship that:

2 (A) seeks recovery for misappropriation of trade
3 secrets or corporate opportunities; or

4 (B) seeks to enforce a non-disparagement
5 agreement or a covenant not to compete;

6 (6) a legal action filed under Title 1, 2, 4, or 5,
7 Family Code, or an application for a protective order under
8 Subchapter A, Chapter 7B, Code of Criminal Procedure;

9 (7) a legal action brought under Chapter 17, Business
10 & Commerce Code, other than an action governed by Section 17.49(a)
11 of that chapter;

12 (8) a legal action in which a moving party raises a
13 defense pursuant to Section 160.010, Occupations Code, Section
14 161.033, Health and Safety Code, or the Health Care Quality
15 Improvement Act of 1986 (42 U.S.C. 11101 et seq.);

16 (9) an eviction suit brought under Chapter 24,
17 Property Code;

18 (10) a disciplinary action or disciplinary proceeding
19 brought under Chapter 81, Government Code, or the Texas Rules of
20 Disciplinary Procedure;

21 (11) a legal action brought under Chapter 554,
22 Government Code; ~~[or]~~

23 (12) a legal action based on a common law fraud claim;
24 or

25 (13) a legal malpractice claim brought by a client or
26 former client.

27 SECTION 2. Section 27.010(a), Civil Practice and Remedies

1 Code, as amended by this Act, applies only to an action commenced on
2 or after the effective date of this Act. An action commenced before
3 the effective date of this Act is governed by the law applicable to
4 the action immediately before the effective date of this Act, and
5 that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2023.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 20, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB527 by Wu (Relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SD, SMAT, KDw, DKN, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 15, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB527 by Wu (relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, KDw, DKN, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 10, 2023

TO: Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB527 by Wu (Relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, SMAT, KDw, DKN, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB527 by Wu (relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, DKN, MW

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

March 13, 2023

TO: Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB527 by Wu (Relating to exemption of certain civil actions from being subject to a motion to dismiss on the basis of involving the exercise of certain constitutional rights.), **As Introduced**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JMc, KDw, MW, BH