

BILL ANALYSIS

Senate Research Center

H.B. 506
By: Dutton (Sponsor)
Jurisprudence
3-26-97
Engrossed

DIGEST

Currently, there are no guidelines in the statutes for a civil court to follow when implementing a bill of review proceeding. This bill prescribes a standard procedure for the implementation of a bill of review and eliminates any inconsistency among the courts.

PURPOSE

As proposed, H.B. 506 prescribes a standard procedure for the implementation of a bill of review and eliminate any inconsistency among the courts.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 3, Civil Practice and Remedies Code, by adding Chapter 67, as follows:

CHAPTER 67. BILL OF REVIEW

Sec. 67.001. APPLICATION OF EQUITY PRINCIPLES. Provides that the principles governing a court of equity equally apply to a bill of review.

Sec. 67.002. AVAILABILITY. Sets forth requirements for a court in granting a bill of review.

Sec. 67.003. LIMITATIONS PERIOD. Sets forth the statute of limitations for a bill of review.

Sec. 67.004. VENUE. Requires an application for a bill of review of a court order or judgment to be filed in the court that rendered the order or judgment, or a successor of that court.

Sec. 67.005. CONTENTS OF APPLICATION. Sets forth the contents of an application of a bill of review.

Sec. 67.006. NECESSARY PARTY. Sets forth necessary parties to a bill of review.

Sec. 67.007. PRETRIAL HEARING. Authorizes the court to provide pretrial hearings on matters relating to the bill of review.

SECTION 2. Effective date: September 1, 1997.
Makes application of this Act prospective.

SECTION 3. Emergency clause.