

## **BILL ANALYSIS**

Senate Research Center

C.S.H.B. 506  
By: Dutton (Luna)  
Jurisprudence  
4-3-97  
Committee Report (Substituted)

### **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, C.S.H.B. 506 prescribes a standard procedure for the implementation of a bill of review and eliminates 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.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 67.002, Civil Practice and Remedies Code, to set forth requirements for a court in granting a bill of review.

Amends Section 67.005, Civil Practice and Remedies Code, to set forth the contents of an application for a bill of review.