

BILL ANALYSIS

Senate Research Center

H.B. 2186
By: Dutton (Ellis)
Jurisprudence
5/11/1999
Engrossed

DIGEST

The purpose of a summary judgment proceeding is to provide for the disposition of controversies that do not present fact issues, but present only questions of law. Under the Texas Rules of Civil Procedure, summary judgment is appropriate if a movant establishes that there are no genuine issues of material fact and that the movant is entitled to judgment as a matter of law. H.B. 2186 would establish conditions regarding summary judgments issued by a court.

PURPOSE

As proposed, H.B. 2186 establishes conditions regarding summary judgments issued by a court.

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 2C, Civil Practice and Remedies Code, by adding Chapter 40, as follows:

CHAPTER 40. SUMMARY JUDGMENT

Sec. 40.001. DEFINITION. Defines "claim."

Sec. 40.002. WRITTEN FINDINGS REQUIRED. Provides that the judge of a court who grants a motion for summary judgment with respect to all or any part of a claim shall specify the grounds, in writing, on which the motion is granted not later than the date on which the judgment is signed by the judge of the court.

Sec. 40.003. SUMMARY JUDGMENT IN CERTAIN CASES: NOTICE REQUIRED IN CITATION. Requires the clerk of the court to include a notice in the citation that, unless a sworn answer is filed on behalf of the defendant, a summary judgment against the defendant may result, in a case regarding certain claims.

Sec. 40.004. CONFLICT WITH TEXAS RULES OF CIVIL PROCEDURE. Provides that to the extent of any conflict between this chapter and the Texas Rules of Civil Procedure, this chapter controls.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1999.

SECTION 4. Emergency clause.