

BILL ANALYSIS

Senate Research Center

H.B. 1515
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Jurisprudence
5/3/2001
Engrossed

DIGEST AND PURPOSE

Currently, it is unclear whether the statute of limitations for a parent, managing conservator, or guardian seeking to recover medical expenses incurred on behalf of a minor is based on the date of the discovery of a cause of action or the date on which a minor reaches the minor's 18th birthday. H.B. 1515 authorizes a parent, managing conservator, or guardian to join a suit brought by a minor to recover medical expenses incurred on behalf of the minor if the suit was brought within the limitations period after the minor attained 18 years of age.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 16A, Civil Practices and Remedies Code, by adding Section 16.0035, as follows:

Sec. 16.0035. EXCEPTION TO LIMITATIONS PERIOD FOR PARENT, MANAGING CONSERVATOR, OR GUARDIAN OR MINOR. Provides that an individual is entitled to a join a suit brought by a claimant for personal injury under certain conditions. Authorizes an individual who is entitled to join a suit under Subsection (a) to recover the damages described by Subsection (a)(3) in the individual's own name without regard to whether the limitations period has expired in relation to the individual's own cause of action.

SECTION 2. Effective date: upon passage or September 1, 2001.

SECTION 3. (a) Provides that this Act applies to all actions commenced on or after the effective date of this Act or pending on that effective date and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that date.

(b) Provides that in an action commenced before the effective date of this Act, a trial, new trial, or retrial in progress on the effective date of this Act is governed by the law applicable to the trial, new trial, or retrial immediately before the effective date of this Act, and that law is continued in effect for that purpose.