

BILL ANALYSIS

Senate Research Center
83R11933 CAE-D

H.B. 1263
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Administration
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 82nd Legislature, First Called Session, 2011, passed H.B. 79, which was a court reorganization bill. As part of that legislation, small claims courts were to be abolished as of May 1, 2013, and replaced by new justice court rules promulgated by the Texas Supreme Court.

Over the past two years, the Texas Supreme Court has developed rules to define what constitutes a small claims case and rules of civil procedure to guide these cases through the court process. The rules are currently available for public comment until April 1, 2013, with a finalization date of April 15, 2013.

Due to the limited time between when the rules are finalized and when small claims courts are to be abolished, justices of the peace have asked for additional time to transition to the new rules and train their clerks, constables, and other staff.

H.B. 1263 delays the abolishment of the small claims courts and implementation of the new justice court rules from May 1, 2013, until August 31, 2013.

H.B. 1263 amends current law relating to the delay in the implementation of the abolishment of small claims courts.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Supreme Court is modified in SECTION 1 (Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 5.07, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, as follows:

Sec. 5.07. Requires the Texas Supreme Court, not later than May 1, 2013, to promulgate the following rules, to be effective August 31, 2013:

- (1) rules to define cases that constitute small claims cases;
- (2) rules of civil procedure applicable to small claims cases as required by Section 27.060 (Small Claims), Government Code, as added by this article (Provisions Relating to Justice and Small Claims Courts); and
- (3) rules for eviction proceedings.

SECTION 2. Amends Section 5.09, Chapter 3 (H.B. 79), Acts of the 82nd Legislature, 1st Called Session, 2011, to provide that Sections 5.02 (adding Section 27.060 to the Government Code) and 5.06 (repealing Chapter 28 (Small Claims Courts), Government Code, and abolishing each small claims court under that chapter) of this article take effect August 31, 2013, rather than May 1, 2013.

SECTION 3. Effective date: upon passage or September 1, 2013.