

BILL ANALYSIS

Senate Research Center
86R2975 SCL-D

H.B. 3300
By: Murr et al. (Huffman)
State Affairs
5/10/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that the mandatory award of costs and reasonable and necessary attorney's fees to the prevailing party in a baseless cause of action discourages potential motions to dismiss an action as both parties are often reluctant to expose themselves to such costs and fees. H.B. 3300 seeks to encourage the dismissal of baseless causes of actions and reduce court backlog by making the award of costs and fees discretionary.

H.B. 3300 amends current law relating to an award of costs and attorney's fees in a motion to dismiss for certain actions that have no basis in law or fact.

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 Section 30.021, Civil Practice and Remedies Code, as follows:

Sec. 30.021. AWARD OF ATTORNEY'S FEES IN RELATION TO CERTAIN MOTIONS TO DISMISS. Authorizes, but does not require, a trial court, in a civil proceeding, on the court's granting or denial, in whole or in part, of a motion to dismiss filed under the rules adopted by the Supreme Court of Texas (supreme court) under Section 22.004(g) (relating to requiring the supreme court to adopt rules governing certain dismissal), Government Code, to award costs and reasonable and necessary attorney's fees to the prevailing party.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.