

BILL ANALYSIS

Senate Research Center

S.B. 883
By: Harris
Jurisprudence
3-25-97
As Filed

DIGEST

Currently, there are no clear requirements for an attorney to convey information on certain settlements in some court cases. This may force the client to accept a lump sum settlement, which may be in the attorney's best interest, but not the client's. This bill clarifies time periods and procedures under which structured settlements are to be presented to a client or representative.

PURPOSE

As proposed, S.B. 883 clarifies the law as to structured settlement offers in certain personal injury suits.

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 Chapter 30, Civil Practice and Remedies Code, by adding Section 30.011, as follows:

Sec. 30.011. STRUCTURED SETTLEMENT OFFERS IN CERTAIN PERSONAL INJURY SUITS. Sets forth the applicability of this section. Sets forth requirements for a defendant's written offer of settlement. Sets forth requirements for an attorney receiving a written offer of settlement from a defendant. Requires the value of the settlement to be the actual cost of the total settlement. Sets forth the duties of a guardian ad litem.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.
Effective date: upon passage.