

## **BILL ANALYSIS**

Senate Research Center  
81R23404 AJA-D

C.S.S.B. 1456  
By: Duncan  
State Affairs  
4/14/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the statute of limitations on a cause of action relating to a debt is set at four years. However, there has been a difference of opinion among Texas courts as to when the cause of action on a consumer debt accrues.

C.S.S.B. 1456 amends current law relating to the time for bringing an action on a consumer debt.

### **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 16.004, Civil Practice and Remedies Code, by amending Subsection (a) and adding Subsections (d) and (e), as follows:

- (a) Requires a person, except as provided by Subsection (d), to bring suit on certain actions not later than four years after the day the cause of action accrues. Makes a nonsubstantive change.
- (d) Requires a person to bring suit on a cause of action on a consumer debt, as defined by Section 392.001 (Definitions), Finance Code, not later than four years after the 60th day after the later of the date of the last payment on the account by the debtor other than a payment in violation of the federal Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq., or Subchapter D (Prohibited Debt Collection Methods), Chapter 392 (Debt Collection), Finance Code, or the date of the last charge on the account by the debtor.
- (e) Provides that this section does not apply to an action that is subject to Section 3.118 (Statute of Limitations), Business & Commerce Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.