

BILL ANALYSIS

Senate Research Center

S.B. 813
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State Affairs
6/16/2015
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 83rd Legislature's enactment of two statutes defining digitized signatures and permitting their use on pleadings, motions, and other papers only appears in Title 5 of the Family Code, which governs suits affecting the parent-child relationship.

There are currently no provisions in the Family Code permitting the use of digitized signatures in suits under Titles 1, 2, and 4, which are suits for the dissolution of marriage, suits to remove disabilities of minority, and applications for protective orders.

S.B. 813 is a housekeeping measure. It is intended to add the same provisions for digitized signatures across all chapters and titles of the Family Code.

With mandatory e-filing on the horizon, this bill will remove any question about the validity of digitized signatures in all family law suits.

S.B. 813 amends current law relating to the use of digitized signatures in certain family law proceedings.

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 Subchapter B, Chapter 1, Family Code, by adding Section 1.109, as follows:

Sec. 1.109. USE OF DIGITIZED SIGNATURE. (a) Provides that a digitized signature on an original petition under this title or any other pleading or order in a proceeding under this title satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13 (Effect of Signing Pleadings, Motions and Other Papers; Sanctions), Texas Rules of Civil Procedure.

(b) Provides that a digitized signature under this section may be applied only by, and must remain under the sole control of, the person whose signature is represented.

SECTION 2. Amends Title 2, Family Code, by adding Subtitle E, as follows:

SUBTITLE E. GENERAL PROVISIONS

CHAPTER 47. GENERAL PROVISIONS

Sec. 47.001. USE OF DIGITIZED SIGNATURE. (a) Provides that a digitized signature on an original petition or application under this title or any other pleading or order in a proceeding under this title satisfies the requirements for and imposes the duties of

signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

(b) Provides that a digitized signature under this section may be applied only by, and must remain under the sole control of, the person whose signature is represented.

(c) Defines "digitized signature" for the purposes of this section.

SECTION 3. Amends Chapter 81, Family Code, by adding Section 81.011, as follows:

Sec. 81.011. USE OF DIGITIZED SIGNATURE. (a) Provides that a digitized signature on an application for a protective order under this title or any other pleading or order in a proceeding under this title satisfies the requirements for and imposes the duties of signatories to pleadings, motions, and other papers identified under Rule 13, Texas Rules of Civil Procedure.

(b) Provides that a digitized signature under this section may be applied only by, and must remain under the sole control of, the person whose signature is represented.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.