

BILL ANALYSIS

Senate Research Center

C.S.H.B. 3081
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Jurisprudence
5/11/1999
Committee Report (Substituted)

DIGEST

In February, 1998, a court issued a writ of execution to seize artwork on display at a Houston museum. Although the dispute underlying the writ did not directly involve the museum, the delay in releasing the artwork jeopardized the museum's exhibition. Because major exhibitions constitute a significant portion of a museum's revenue, disruptions may result in the loss of money. C.S.H.B. 3081 would prohibit a court from issuing and a person from serving certain processes and seizures on fine art under certain circumstances.

PURPOSE

As proposed, C.S.H.B. 3081 establishes certain regulations regarding courts issuing processes or ordering seizures of fine artwork when en route to or in an exhibition.

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 61, Civil Practice and Remedies Code, by adding Subchapter E, as follows:

SUBCHAPTER E. WORKS OF FINE ART

Sec. 61.081. ONE-YEAR EXEMPTION FOR EXHIBITION. Prohibits a court from issuing and a person from serving certain processes or seizures on a work of fine art while en route to an exhibition or in the possession of the exhibitor or on display at a museum. Sets forth when the restrictions do and do not apply in Subsection (a). Requires a court in issuing the process to require the server to give notice of not less than seven days to the exhibitor of the intent to serve. Defines "exhibition."

Sec. 61.082. HANDLING AND TRANSPORTATION. Prohibits a court from issuing any process or seizure on a work of fine art unless the court requires that the work of art be handled and transported in a manner that complies with the accepted standards of the artistic community for works of fine art.

SECTION 2. Emergency clause.
Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

Relating clause.

Amends the clause to relate to the prevention of the seizure of a work of fine art when en route to or in an exhibition, rather than relating only to the prevention of the seizure of a work of fine art.

SECTION 1.

Amends proposed Chapter 61E, Civil Practice and Remedies Code, to make the prohibition subject to the limitations of this section; to make the prohibition against a work of fine art while it is in the possession of the exhibitor or on display; to establish when the restriction does and does not apply; to require a court to require the server to offer seven days advance notice of the process; and to redefine “exhibition.”