

## **BILL ANALYSIS**

Senate Research Center

H.B. 3333  
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State Affairs  
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Engrossed

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

Generally, alternative dispute resolution is only intended to provide a different forum for deciding disputes, not to change the substantive law underlying the dispute. There are concerns that uncertainty exists under Texas statutes and case law as to whether and how the statute of limitations applies to claims submitted to arbitration. H.B. 3333 seeks to clarify the statute of limitations for asserting a claim in an arbitration proceeding by prohibiting a party from asserting the claim in arbitration after expiration of the applicable limitations period except under certain conditions.

H.B. 3333 amends the Civil Practice and Remedies Code to prohibit a party from asserting a claim in an arbitration proceeding after the expiration of the applicable limitations period if the party could not bring suit for the claim in court due to the expiration of the applicable limitations period, unless the party brought suit for the claim in court before the expiration of that period and the parties to the claim agreed to arbitrate the claim or a court ordered the parties to arbitrate the claim.

H.B. 3333 amends current law relating to limitations periods in arbitration 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 D, Chapter 16, Civil Practice and Remedies Code, by adding Section 16.073, as follows:

Sec. 16.073. APPLICABILITY OF LIMITATIONS PERIODS TO ARBITRATION. (a) Prohibits a party from asserting a claim in an arbitration proceeding if the party could not bring suit for the claim in court due to the expiration of the applicable limitations period.

(b) Authorizes a party to assert a claim in an arbitration proceeding after expiration of the applicable limitations period if:

- (1) the party brought suit for the claim in court before the expiration of the applicable limitations period; and
- (2) the parties to the claim agreed to arbitrate the claim or a court ordered the parties to arbitrate the claim.

SECTION 2. Effective date: upon passage or September 1, 2021.