

By: Raymond

H.B. No. 3079

A BILL TO BE ENTITLED

AN ACT

relating to applicability of a statute of limitations to an action based on a right or remedy provided by the Texas Constitution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.051, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 16.051. RESIDUAL LIMITATIONS PERIOD. (a) Every action for which there is no express limitations period, except an action for the recovery of real property, must be brought not later than four years after the day the cause of action accrues.

(b) The residual limitations period provided by Subsection (a) does not apply to an action to enforce a right or remedy provided by the constitution of this state, which is superior to all state statutes, including a statute of limitations.

SECTION 2. The amendment by this Act of Section 16.051, Civil Practice and Remedies Code, is intended to clarify rather than change existing law. An action to enforce a right or remedy provided by the constitution of this state is not time barred regardless of when the cause of action accrued and may be brought on or after the effective date of this Act notwithstanding any application of a statute of limitations to an action filed before the effective date of this Act asserting the same cause of action.

SECTION 3. This Act takes effect September 1, 2015.