

CHAPTER 248

H.B. No. 1447

AN ACT

relating to affidavits concerning cost and necessity of services in certain civil actions.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter A, Chapter 18, Civil Practice and Remedies Code, is amended by adding Section 18.002 to read as follows:

*Sec. 18.002. FORM OF AFFIDAVIT. (a) An affidavit concerning cost and necessity of services by the person who provided the service is sufficient if it follows the following form:*

No. _____	)	IN THE _____
<i>John Doe</i>	)	COURT IN AND FOR
<i>(Name of Plaintiff)</i>	)	_____ COUNTY,
<i>v.</i>	)	TEXAS
<i>John Roe</i>	)	
<i>(Name of Defendant)</i>	)	

AFFIDAVIT

Before me, the undersigned authority, personally appeared \_\_\_\_\_(NAME OF AFFIANT) \_\_\_\_\_, who, being by me duly sworn, deposed as follows:

My name is \_\_\_\_\_(NAME OF AFFIANT)\_\_\_\_\_. I am of sound mind and capable of making this affidavit.

On \_\_\_\_\_(DATE)\_\_\_\_\_, I provided a service to \_\_\_\_\_(NAME OF PERSON WHO RECEIVED SERVICE)\_\_\_\_\_. An itemized statement of the service and the charge for the service is attached to this affidavit and is a part of this affidavit.

The service I provided was necessary and the amount that I charged for the service was reasonable at the time and place that the service was provided.

Affiant

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My commission expires:

Notary Public, State of Texas  
Notary's printed name:

(b) An affidavit concerning cost and necessity of services by the person who is in charge of records showing the service provided and the charge made is sufficient if it follows the following form:

No. \_\_\_\_\_

John Doe	)	IN THE _____
(Name of Plaintiff)	)	COURT IN AND FOR
v.	)	_____ COUNTY,
John Roe	)	TEXAS
(Name of Defendant)	)	

AFFIDAVIT

Before me, the undersigned authority, personally appeared \_\_\_\_\_(NAME OF AFFIANT)\_\_\_\_\_, who, being by me duly sworn, deposed as follows:

My name is \_\_\_\_\_(NAME OF AFFIANT)\_\_\_\_\_. I am of sound mind and capable of making this affidavit.

I am the person in charge of records of \_\_\_\_\_(PERSON WHO PROVIDED THE SERVICE)\_\_\_\_\_. Attached to this affidavit are records that provide an itemized statement of the service and the charge for the service that \_\_\_\_\_(PERSON WHO PROVIDED THE SERVICE)\_\_\_\_\_ provided to \_\_\_\_\_(PERSON WHO RECEIVED THE SERVICE)\_\_\_\_\_ on \_\_\_\_\_(DATE)\_\_\_\_\_. The attached records are a part of this affidavit.

The attached records are kept by me in the regular course of business. The information contained in the records was transmitted to me in the regular course of business by \_\_\_\_\_(PERSON WHO PROVIDED THE SERVICE)\_\_\_\_\_ or an employee or representative of \_\_\_\_\_(PERSON WHO PROVIDED THE SERVICE)\_\_\_\_\_ who had personal knowledge of the information. The records were made at or near the time or reasonably soon after the time that the service was provided. The records are the original or an exact duplicate of the original.

The service provided was necessary and the amount charged for the service was reasonable at the time and place that the service was provided.

Affiant

SWORN TO AND SUBSCRIBED before me on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My commission expires:  
\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Texas  
Notary's printed name:  
\_\_\_\_\_

*(c) The form of an affidavit provided by this section is not exclusive and an affidavit that substantially complies with Section 18.001 is sufficient.*

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 13, 1993: Yeas 30, Nays 0.

Approved May 22, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.