

STATE BAR OF TEXAS
COMMITTEE ON COURT RULES

REQUEST FOR NEW RULE OR CHANGE OF EXISTING RULE
TEXAS RULES OF CIVIL PROCEDURE

I. Exact wording of existing Rule:

**Rule 196. REQUESTS FOR PRODUCTION AND INSPECTION TO PARTIES;
REQUESTS AND MOTIONS FOR ENTRY UPON PROPERTY**

196.2 Response to Request for Production and Inspection.

(a) *Time for Response.* The responding party must serve a written response on the requesting party within 30 days after service of the request, except that a defendant served with a request before the defendant's answer is due need not respond until 50 days after service of the request.

196.7 Request or Motion for Entry Upon Property.

(c) *Response to Request for Entry.*

(1) *Time to Respond.* The responding party must serve a written response on the requesting party within 30 days after service of the request, except that a defendant served with a request before the defendant's answer is due need not respond until 50 days after service of the request.

II. Proposed Rule:

**Rule 196. REQUESTS FOR PRODUCTION AND INSPECTION TO PARTIES;
REQUESTS AND MOTIONS FOR ENTRY UPON PROPERTY**

196.2 Response to Request for Production and Inspection.

(a) *Time for Response.* The responding party must serve a written response on the requesting party ~~within 30 days~~ **not later than the 30th day** after **the date of** service of the request, except that a defendant served with a request before the defendant's answer is due ~~need not~~ **must** respond ~~until 50 days~~ **not later than the 50th day** after **the date of** service of the request.

196.7 Request or Motion for Entry Upon Property.

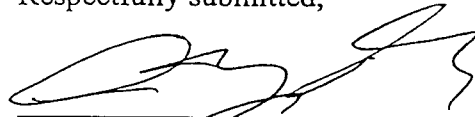
(c) *Response to Request for Entry.*

(1) Time to Respond. The responding party must serve a written response on the requesting party ~~within 30 days~~ **not later than the 30th day** after **the date of** service of the request, except that a defendant served with a request before the defendant's answer is due ~~need not must~~ **respond until 50 days not later than the 50th day** after **the date of** service of the request.

III. Brief statement of reasons for requested changes and advantages to be served by them:

The proposed change is intended to promote greater clarity and consistency in the expression of time, time periods and deadlines by (1) referring to the "date" or "day" on which an event occurs, as opposed to "time" which may be construed to mean a time of day, (2) describing a time period in a way that makes the first and last days clear, and (3) leaving no doubt about which is the last day on which action may be taken, in accordance with §7.28 of the Texas Legislative Counsel Drafting Manual.

Respectfully submitted,



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