

By: Harrison

H.B. No. 3702

A BILL TO BE ENTITLED

AN ACT

relating to the effect of American Law Institute publications on actions governed by the laws of this state.

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

SECTION 1. Section 5.001, Civil Practice and Remedies Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) Except as provided by Subsection (d), in any action governed by the laws of this state concerning rights and obligations under the law, a publication by the American Law Institute, including a restatement or model code, may not be considered to represent the laws of this state and may not be wholly or partly relied on by a court for a ruling on a motion or a judgment if the publication in its final form was published after December 31, 1999.

(d) Subsection (c) does not apply to a provision in a publication by the American Law Institute that:

(1) appeared in its exact form in a publication of the American Law Institute published in its final form before January 1, 2000;

(2) is identical to or affirmatively adopted by a law enacted by the legislature; or

(3) is identical to the common law of this state without reference to any publication published after December 31, 1999.

1 SECTION 2. Sections 5.001(c) and (d), Civil Practice and
2 Remedies Code, as added by this Act, apply only to an action pending
3 on or filed on or after the effective date of this Act.

4 SECTION 3. This Act takes effect September 1, 2023.