

Amend Amendment 6 by Nixon to **CSHB 4** (beginning on page 495, amendment packet) as follows:

(1) On page 9 of the amendment, between lines 12 and 13, by inserting the following:

(c) Notwithstanding any other provision of this section, evidence described by Subsection (a) is admissible as evidence in a civil action only if:

(1) the evidence relates to a material violation of a standard or assessment of a monetary penalty with respect to:

(A) the particular incident which is the basis of claim being brought;

(B) an incident comparable to the incident that is the basis of the claim in the civil action; or

(C) the particular individual whose personal injury is the basis of the claim being brought in the civil action; and

(2) the violation of the standard or the violation that resulted in the assessment of a monetary penalty is a proximate cause of the injury that is the basis of the claim being brought in the civil action.

(2) On page 9 of the amendment, between lines 22 and 23, by inserting the following:

(c) Notwithstanding any other provision of this section, evidence described by Subsection (a) is admissible as evidence in a civil action only if:

(1) the evidence relates to a material violation of this chapter or a rule adopted under this chapter or assessment of a monetary penalty with respect to:

(A) the particular incident which is the basis of claim being brought in the civil action; or

(B) the particular individual whose personal injury is the basis of the claim being brought in the civil action; and

(2) the violation of the chapter or rule or the violation that resulted in the assessment of a monetary penalty is a proximate cause of the injury that is the basis of the claim being brought in the civil action.