

Substitute for the Luna Amendment to **CSHB 4** (beginning on page 199, amendment packet) the following:

Amend **CSHB 4** on page 41, by striking lines 21-24 and substituting:

caused harm.

(a-1) The claimant may rebut the presumption in Subsection (a) by establishing that:

(1) the mandatory federal safety standards or regulations applicable to the product were inadequate to protect the public from unreasonable risks of injury or damage;

(2) the manufacturer, before or after marketing the product, withheld information required by or misrepresented information provided to the federal government or agency that was:

(A) material and relevant to the federal government's or agency's determination that the mandatory safety standards or regulations at issue in the action were adequate; and

(B) causally related to the claimant's injury; or

(3) with respect to the manufacturer of a motor vehicle, or a component thereof, after the product was sold and before the alleged injury occurred, the manufacturer learned the vehicle or component part contained a defect causally related to the claimant's injury and to motor vehicle safety and failed to either:

(A) give notice to the federal government, or agency of the federal government, that adopted or promulgated the applicable safety standards or regulations; or

(B) give notice by first class mail to each person registered under Texas law as the owner and whose name and address are reasonably ascertainable by the manufacturer through state records or other available sources, or if the registered owner is not notified, to the most recent purchaser known to the manufacturer.

(2) Beginning on page 41, strike from line 25 through page 42, line 16.