

## **BILL ANALYSIS**

C.S.S.B. 890  
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Civil Practices  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

H.B. 4, the tort reform measure enacted by the 78th Legislature, Regular Session, changed the settlement credit scheme used for decades in the state. It eliminated the election of the dollar-for-dollar or sliding scale credit, except for those sued for health care liability. Instead, non-settling defendants now receive credit only for that percentage of fault that a trier of fact assigns to a settling person. Thus, if a jury finds no liability for a settling person, the court may not credit any prior settlements against the non-settling defendant's liability.

CSSB 890 restores the dollar-for-dollar settlement credit in civil actions, while maintaining current law for health care liability claims.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSSB 890 amends Section 33.012(b), Civil Practice and Remedies Code, by adding "the sum of the dollar amounts of all settlements" and striking "a percentage equal to each settling person's percentage of responsibility".

### **EFFECTIVE DATE**

Upon passage, or, if it the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 890 differs from the original by restoring the current election of credit in health care liability cases. The substitute continues current law for health care liability claims, while restoring the dollar-for-dollar settlement credit in other civil actions.