

By: Hughes

H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

1
2 relating to transfer of certain cases by the judicial panel on
3 multidistrict litigation.

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

5 SECTION 1. Subchapter H, Chapter 74, Government Code, is
6 amended by adding Section 74.1615 to read as follows:

7 Sec. 74.1615. APPLICABILITY OF SUBCHAPTER. (a) Except as
8 provided by Subsection (c), the judicial panel on multidistrict
9 litigation may not transfer under this subchapter an action for
10 personal injury resulting from an asbestos-related injury if:

11 (1) the claim is based wholly or partly on an
12 allegation that the claimant developed malignant mesothelioma;

13 (2) on or before the 30th day after the date on which
14 the claim is filed, the claimant submits documentary evidence that
15 the claimant has been diagnosed with malignant mesothelioma by a
16 physician; and

17 (3) the claimant is living.

18 (b) The panel may not transfer an action based on a claim
19 described by Subsection (a)(1) before the 31st day after the date on
20 which the claim is filed.

21 (c) Notwithstanding Subsection (b), if the claimant dies
22 before the trial on the merits commences, the action, including any
23 additional claim based on the claimant's death from an
24 asbestos-related injury, may be transferred under this subchapter.

1 SECTION 2. The change in law made by this Act applies to an
2 action filed on or after the effective date of this Act and to an
3 action pending on the effective date of this Act that has not been
4 transferred under Subchapter H, Chapter 74, Government Code, before
5 the effective date of this Act or, if transferred under that
6 subchapter before the effective date of this Act, in which
7 consolidated or coordinated pretrial proceedings under that
8 subchapter have not commenced before the effective date of this
9 Act. An action transferred under Subchapter H, Chapter 74,
10 Government Code, before the effective date of this Act in which
11 pretrial proceedings under that subchapter have commenced before
12 the effective date of this Act is governed by the law in effect
13 immediately before the effective date of this Act, and that law is
14 continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2005.