

By: Williams

S.B. No. 890

Substitute the following for S.B. No. 890:

By: Nixon

C.S.S.B. No. 890

A BILL TO BE ENTITLED

AN ACT

relating to the amount of recovery in a civil action.

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

SECTION 1. Section 33.012(b), Civil Practice and Remedies Code, is amended to read as follows:

(b) If the claimant has settled with one or more persons, the court shall further reduce the amount of damages to be recovered by the claimant with respect to a cause of action by the sum of the dollar amounts of all settlements [~~a percentage equal to each settling person's percentage of responsibility~~].

SECTION 2. (a) This Act applies to all actions:

(1) commenced on or after the effective date of this Act; or

(2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that effective date.

(b) For an action commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on the effective date is governed by the law applicable to the trial, new trial, or retrial immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

C.S.S.B. No. 890

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.