

By: Chisum

H.B. No. 1927

Substitute the following for H.B. No. 1927:

By: Madden

C.S.H.B. No. 1927

A BILL TO BE ENTITLED

AN ACT

relating to the liability of manufacturers or sellers of fuel additives and components and fuels.

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

SECTION 1. Chapter 82, Civil Practice and Remedies Code, is amended by adding Section 82.009 to read as follows:

Sec. 82.009. FUEL ADDITIVES, BLENDED FUELS, OR RENEWABLE FUELS. (a) In a products liability action brought against a manufacturer or seller of a fuel additive or blending component, the manufacturer or seller is not liable for any injury to a claimant caused by some aspect of the formulation or production of the additive or blending component unless:

(1) the additive or component failed to comply with standards, regulations, controls, or prohibitions promulgated by this state or the federal government or an agency of this state or the federal government at the time of manufacture or sale; and

(2) the failure to comply was a producing cause of the claimant's injury.

(b) In a products liability action brought against a manufacturer or seller of a fuel, the manufacturer or seller is not liable for any injury to a claimant caused by some aspect of the formulation or production of the fuel unless:

(1) the fuel failed to comply with standards, regulations, controls, and prohibitions promulgated by this state

1 or the federal government or an agency of this state or the federal
2 government at the time of manufacture or sale; and

3 (2) the failure to comply was a producing cause of the
4 claimant's injury.

5 (c) This section does not affect the liability of a person
6 who spills or discharges a fuel additive, blending component, or
7 fuel for:

8 (1) environmental remediation costs;

9 (2) damages arising from drinking water
10 contamination; or

11 (3) damages arising from negligence, public or private
12 nuisance, trespass, breach of warranty, breach of contract, or any
13 other theory of liability.

14 (d) In this section, "fuel additive," "blending component,"
15 or "fuel" means a fuel additive, blending component, or fuel that is
16 subject to the specifications mandated by:

17 (1) Chapter 4, Title 132, Revised Statutes;

18 (2) 30 T.A.C. Part 1, Chapter 114;

19 (3) 40 C.F.R. Part 79;

20 (4) 40 C.F.R. Part 80; or

21 (5) any successor statute, rule, or regulation
22 mandating the specifications of a fuel additive, blending
23 component, or fuel.

24 SECTION 2. (a) This Act applies only to an action commenced
25 on or after:

26 (1) March 1, 2007, if the action is pending on the
27 effective date of this Act; or

1 (2) the effective date of this Act.

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

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2007.