

By: Uresti

S.B. No. 824

A BILL TO BE ENTITLED

AN ACT

relating to the survival of actions brought under the Deceptive Trade Practices--Consumer Protection Act.

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

SECTION 1. Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.51 to read as follows:

Sec. 17.51. SURVIVAL OF CAUSE OF ACTION. (a) A cause of action under this chapter does not abate because of the death of the consumer or because of the death of a person liable for the false, deceptive, or misleading act or practice that is the basis of the cause of action.

(b) A cause of action under this chapter survives to and in favor of the heirs, legal representatives, and estate of the consumer. The action survives against the liable person and the person's legal representatives.

(c) The suit may be instituted and prosecuted as if the liable person were alive.

SECTION 2. This Act applies only to a cause of action that accrues on or after the effective date of this Act. An action that accrued before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2007.