

By: Gutierrez, Leibowitz

H.B. No. 4167

Substitute the following for H.B. No. 4167:

By: Hughes

C.S.H.B. No. 4167

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the jurisdiction of the court over a nonresident
3 manufacturer in a products liability action involving a
4 nonmanufacturing seller.

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

6 SECTION 1. Section 82.003, Civil Practice and Remedies
7 Code, is amended by adding Subsection (c) to read as follows:

8 (c) If after service on a nonresident manufacturer through
9 the secretary of state in the manner prescribed by Subchapter C,
10 Chapter 17, the manufacturer fails to answer or otherwise make an
11 appearance in the time required by law, it is conclusively presumed
12 for the purposes of Subsection (a)(7)(B) that the manufacturer is
13 not subject to the jurisdiction of the court unless the seller is
14 able to secure personal jurisdiction over the manufacturer in the
15 action.

16 SECTION 2. The change in law made by this Act applies to an
17 action filed on or after the effective date of this Act or pending
18 on the effective date of this Act.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2009.