

By: Gutierrez

H.B. No. 4167

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a non-manufacturing seller proving that a manufacturer  
3 is not subject to the jurisdiction of the court for purposes of  
4 products liability.

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 through the Secretary of State in the  
9 manner prescribed by Chapter 17, Subchapter C the manufacturer  
10 fails to answer or otherwise make an appearance in the time required  
11 by law, it is conclusively presumed for the purposes of subsection  
12 (a)(7)(b) that the manufacturer is not subject to the jurisdiction  
13 of the court unless the seller is able to secure personal  
14 jurisdiction of the manufacturer in the case.

15 SECTION 2. The change in law made by this Act applies to a  
16 cause of action that is currently pending as well as a cause of  
17 action that accrues on or after the effective date of this Act.

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