

By: Springer

H.B. No. 1988

A BILL TO BE ENTITLED

AN ACT

relating to the liability of sellers and manufacturers for the misuse of a product.

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 82.0045 to read as follows:

Sec. 82.0045. LIABILITY FOR MISUSE. (a) In this section, "misuse" means the use of a product in a manner other than the product's intended use. Misuse includes a use:

(1) inconsistent with the specifications and standards applicable to the product;

(2) contrary to an instruction or warning provided by the manufacturer, seller, or other person possessing knowledge or training regarding the use or maintenance of the product; or

(3) determined to be improper by a federal or state agency charged with protecting consumer or product safety.

(b) In a products liability action, a manufacturer or seller shall not be liable for any claim arising out of harm caused by misuse of a product by a person other than the manufacturer or seller.

(c) On its own motion and after reasonable notice to the parties, the court shall dismiss a claim filed after September 1, 2015, if the court finds by a preponderance of the evidence that the claim was caused by misuse of a product by a person other than the

1 manufacturer or seller.

2 SECTION 2. The change in law made by this Act applies to an
3 action filed on or after the effective date of this Act. An action
4 filed before the effective date of this Act is governed by the law
5 in effect on the date the action was filed, and that law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2015.