86R15629 LED-D

By:  Davis of Dallas H.B. No. 4476

A BILL TO BE ENTITLED

AN ACT

relating to civil liability for abuse or exploitation of an elderly person or person with a disability.

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

SECTION 1.  Subchapter D, Chapter 48, Human Resources Code, is amended by adding Section 48.1524 to read as follows:

Sec. 48.1524.  CIVIL LIABILITY. (a) A person is liable to an elderly person or person with a disability for damages for abuse or exploitation.

(b)  A claimant who prevails in a suit under this section may recover actual damages, including damages for mental anguish even if an injury other than mental anguish is not shown.

(c)  In addition to an award under Subsection (a), a claimant who prevails in a suit under this section may recover exemplary damages and reasonable attorney fees.

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

SECTION 3.  This Act takes effect September 1, 2019.