

By: Wu

H.B. No. 765

A BILL TO BE ENTITLED

AN ACT

relating to liability limits in a health care liability claim.

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

SECTION 1. Section 74.301, Civil Practice and Remedies Code, is amended by adding Subsection (d) to read as follows:

(d) When there is an increase or decrease in the consumer price index with respect to the amount of that index on September 1, 2003, the liability limits prescribed by this section shall be increased or decreased, as applicable, by a sum equal to the amount of such limit multiplied by the percentage increase or decrease in the consumer price index, as published by the Bureau of Labor Statistics of the United States Department of Labor, that measures the average changes in prices of goods and services purchased by urban wage earners and clerical workers' families and single workers living alone (CPI-W: Seasonally Adjusted U.S. City Average--All Items), between September 1, 2003, and the time at which damages subject to such limits are awarded by final judgment or settlement.

SECTION 2. Section 74.302, Civil Practice and Remedies Code, is amended by adding Subsection (f) to read as follows:

(f) When there is an increase or decrease in the consumer price index with respect to the amount of that index on September 1, 2003, the liability limits and financial responsibility amounts prescribed by this section shall be increased or decreased, as

1 applicable, by a sum equal to the amount of such limit multiplied by
2 the percentage increase or decrease in the consumer price index, as
3 published by the Bureau of Labor Statistics of the United States
4 Department of Labor, that measures the average changes in prices of
5 goods and services purchased by urban wage earners and clerical
6 workers' families and single workers living alone (CPI-W:
7 Seasonally Adjusted U.S. City Average--All Items), between
8 September 1, 2003, and the time at which damages subject to such
9 limits are awarded by final judgment or settlement.

10 SECTION 3. Sections 74.301 and 74.302, Civil Practice and
11 Remedies Code, as amended by this Act, apply only to a health care
12 liability claim that accrues on or after the effective date of this
13 Act. A health care liability claim that accrued before the
14 effective date of this Act is governed by the law as it existed
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2019.