

By: Lewis

H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

relating to the availability and use of certain evidence in connection with an award of exemplary damages.

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

SECTION 1. The heading to Section 41.011, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 41.011. EVIDENCE RELATING TO [~~AMOUNT OF~~] EXEMPLARY DAMAGES.

SECTION 2. Section 41.011, Civil Practice and Remedies Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) In determining the amount of exemplary damages, the trier of fact shall consider evidence, if any, relating to:

(1) the nature of the wrong;

(2) the character of the conduct involved;

(3) the degree of culpability of the wrongdoer;

(4) the situation and sensibilities of the parties concerned; and

(5) the extent to which such conduct offends a public sense of justice and propriety[~~, and~~

~~[(6) the net worth of the defendant].~~

(c) Evidence of the net worth of the defendant is privileged from discovery and inadmissible to the extent the evidence is sought or provided to support a claim for or the amount of exemplary

1 damages. The trier of fact may not consider a defendant's net worth
2 for purposes of supporting a claim for or the amount of exemplary
3 damages.

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

9 SECTION 4. This Act takes effect September 1, 2013.