

CHAPTER 824

H.B. No. 2320

AN ACT

relating to the assumption of the risk by certain plaintiffs in civil actions.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 93 to read as follows:

CHAPTER 93. ASSUMPTION OF THE RISK

*Sec. 93.001. AFFIRMATIVE DEFENSE. (a) It is an affirmative defense to a civil action for damages for personal injury or death that the plaintiff, at the time the cause of action arose, was:*

*(1) committing a felony, for which the plaintiff has been finally convicted, that was the sole cause of the damages sustained by the plaintiff; or*

*(2) committing or attempting to commit suicide, and the plaintiff's conduct in committing or attempting to commit suicide was the sole cause of the damages sustained; provided, however, if the suicide or attempted suicide was caused in whole or in part by a failure on the part of any defendant to comply with an applicable legal standard, then such suicide or attempted suicide shall not be a defense.*

*(b) This chapter does not apply in any action brought by an employee, or the surviving beneficiaries of an employee, under the Workers' Compensation Law of Texas, or in an action against an insurer based on a contract of insurance, a statute, or common law.*

*(c) In an action to which this chapter applies, this chapter shall prevail over any other law.*

SECTION 2. This Act takes effect September 1, 1987, and applies to all suits in which trial commences after that date.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2320 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 19, 1987.

Effective Sept. 1, 1987.