

AN ACT

relating to the amount of recovery in a civil action.

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

SECTION 1. Subsection (b), Section 33.012, Civil Practice and Remedies Code, is amended to read as follows:

(b) If the claimant has settled with one or more persons, the court shall further reduce the amount of damages to be recovered by the claimant with respect to a cause of action by the sum of the dollar amounts of all settlements [~~a percentage equal to each settling person's percentage of responsibility~~].

SECTION 2. (a) This Act applies to all actions:

(1) commenced on or after the effective date of this Act; or

(2) pending on the effective date of this Act and in which the trial, or any new trial or retrial following motion, appeal, or otherwise, begins on or after that effective date.

(b) For an action commenced before the effective date of this Act, a trial, new trial, or retrial that is in progress on the effective date is governed by the law applicable to the trial, new trial, or retrial immediately before that date, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2005.

*David Newhurst*  
President of the Senate

*Jim Cuddihy*  
Speaker of the House

I hereby certify that S.B. No. 890 passed the Senate on April 13, 2005, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 27, 2005, by the following vote: Yeas 29, Nays 0. \_\_\_\_\_

*Lacey Shaw*  
Secretary of the Senate

I hereby certify that S.B. No. 890 passed the House, with amendment, on May 25, 2005, by the following vote: Yeas 142, Nays 0, two present not voting. \_\_\_\_\_

*Robert Haney*  
Chief Clerk of the House

Approved:

9 JUNE '05

Date

*RICK PERRY*  
Governor

FILED IN THE OFFICE OF THE  
 SECRETARY OF STATE  
 3:15 pm O'CLOCK

JUN 09 2005

*Roger Williams*  
 Secretary of State