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AN ACT

relating to the issuance of a certificate of death by catastrophe.

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

SECTION 1. Chapter 193, Health and Safety Code, is amended by adding Section 193.010 to read as follows:

Sec. 193.010. CERTIFICATE OF DEATH BY CATASTROPHE. (a) In this section, "catastrophe" means the occurrence of a substantial force that causes widespread or severe damage, injury, or loss of life or property and from which it is not reasonable to assume that a person could survive, including:

(1) flood, earthquake, tornado, or other natural disaster;

(2) explosion, fire, or destruction of a building;

(3) the crash of a motor vehicle, train, or airplane involving more than one person; or

(4) the overtaking of more than one person by fire, water, earth, or other substance.

(b) A local registrar shall issue and file a certificate of death by catastrophe for a person if:

(1) an affidavit is submitted to the registrar stating that:

(A) the person was last reasonably believed to be at the scene of a catastrophe;

(B) at least 10 days have passed since the day of

1 the catastrophe;

2 (C) a diligent search has been made by a
3 governmental authority and the authority has concluded the search
4 for the person;

5 (D) the catastrophe was not intentionally caused
6 by the person; and

7 (E) the affiant:

8 (i) does not know whether the person is
9 alive or dead;

10 (ii) has not received any information about
11 the person's status since the catastrophe and, barring the person's
12 death, would have received information about the person's status;

13 (iii) is not aware of any custody or
14 guardianship issues involving the person, if the person is a minor
15 or a person for whom a guardian has been appointed; and

16 (iv) is not aware of any reasonable motive
17 for the person to disappear or for another person to abduct the
18 person; and

19 (2) a written statement signed by an agent of the
20 governmental authority that conducts a search under Subdivision
21 (1)(C) is submitted to the registrar stating that the governmental
22 authority conducted and concluded a search for the person.

23 (c) The department may issue a certificate of death by
24 catastrophe for a minor or a person for whom a guardian has been
25 appointed who is the subject of a custody or guardianship dispute
26 only if all parties to the dispute submit an affidavit under
27 Subsection (b).

1 (d) An insurer shall accept as proof of death of an insured a
2 certificate of death by catastrophe issued under this section.

3 SECTION 2. This Act takes effect September 1, 2003.

David Swihart

President of the Senate

Jim Coakley

Speaker of the House

I certify that H.B. No. 2185 was passed by the House on April 25, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2185 on May 28, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 2185 was passed by the Senate, with amendments, on May 26, 2003, by a viva-voce vote.

Datsy Spaw

Secretary of the Senate

APPROVED: 20 JUN 03

Date

Rick Perry
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
8:39 P.M. O'CLOCK

Kevin Shea
JUN 20 2003
Secretary of State