

## **BILL ANALYSIS**

Senate Research Center  
77R6868 DAK-D

H.B. 2537  
By: Eiland (Duncan)  
Business & Commerce  
5/10/2001  
Engrossed

### **DIGEST AND PURPOSE**

The 74th Legislature passed legislation that clarified and strengthened the standards for awarding exemplary damages, but may not have been intended to apply to wrongful death actions against employers. H.B. 2537 specifies that the provisions regarding exemplary damages do not apply to wrongful death actions by surviving spouses and heirs against employers that subscribe to the state's workers' compensation laws.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 41.002, Civil Practice and Remedies Code, to provide that this chapter does not apply to an action to recover exemplary damages against an employer by the employee's surviving spouse or heirs of the body in a death action arising out of the course and scope of employment where the employer is a subscriber to the workers' compensation laws of this state (Title 5A, Labor Code). Makes a conforming change.

SECTION 2. Provides that the purpose of the amendment to Section 41.002, Civil Practice and Remedies Code, by this Act, is to clarify existing law.

SECTION 3. Effective date: upon passage or September 1, 2001.