

BILL ANALYSIS

Senate Research Center
86R13139 LED-F

H.B. 2757
By: Leach (Taylor)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The American Law Institute (ALI) is an organization that publishes the Restatements of the Law, which are often considered by courts as dependable descriptions of existing law. Recent concerns have been raised that the document may go beyond summarizing the state of current legal thinking and may be inaccurate or misleading.

H.B. 2757 seeks to clarify the rule of decision in Texas courts and establish that the ALI Restatements are not controlling in any action governed by state law.

The bill amends the Civil Practice and Remedies Code to revise the provision establishing the rule of decision in the state by specifying that the rule of decision consists of those portions of the common law of England that are not inconsistent with the constitution or laws of Texas, the constitutions of Texas and the United States, the laws of Texas, and case law precedents set by a Texas court.

H.B. 2757 provides that, in any action governed by the laws of Texas concerning rights and obligations under the law, the American Law Institute's Restatements of the Law are not controlling.

H.B. 2757 amends current law relating to the rule of decision in a court of this state.

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 5.001, Civil Practice and Remedies Code, as follows:

Sec. 5.001. RULE OF DECISION. (a) Creates this subsection from existing text. Provides that the rule of decision in this state consists of those portions of the common law of England that are not inconsistent with the constitution or the laws of this state, the constitutions of this state and of the United States, the laws of this state, and case law precedents set by a court of this state, rather than providing that the rule of decision in this state consists of those portions of the common law of England that are not inconsistent with the constitution or the laws of this state, the constitution of this state, and laws of this state.

(b) Provides that, in any action governed by the laws of this state concerning rights and obligations under the law, the American Law Institute's Restatements of the Law are not controlling.

SECTION 2. Effective date: September 1, 2019.