

HB 2667 -- CLAIMS FOR NEGLIGENCE

SPONSOR: Keathley

This bill establishes the "Eliminate Criminal Profiteering Act". Under the Act, a person who was participating or engaging in wrongful conduct, defined in the bill, is prohibited from bringing an action for negligence or otherwise collecting damages for negligent conduct relating to any act, occurrence, or other event resulting from or relating to the wrongful conduct. A person who was an unauthorized alien at the time of an automobile accident cannot recover general damages and past or future wages in an action for negligence arising from the automobile accident. A plaintiff in such an action must provide, with the initial disclosure statement or as soon as possible thereafter, documents showing that the plaintiff was a citizen or lawful permanent resident of the United States or was not an unauthorized alien. This provision does not apply to a claim made against an uninsured or underinsured motorist policy that names the unauthorized alien as an insured.

The bill provides that, for purposes of an action for negligent security, an owner or occupier, or a security contractor engaged by the owner or occupier, owes no duty to protect an invitee or licensee from any type of wrongful conduct of a third person unless the owner or occupier or security contractor has actual knowledge of prior occurrences of substantially similar wrongful conduct upon the premises within the preceding year or the wrongful conduct of the invitee or licensee or a third person if the invitee or licensee comes upon the premises for the purpose or in the course of engaging in wrongful conduct or the invitee or licensee engages in any wrongful conduct while on the premises. There will be a presumption that the owner or occupier or security contractor took reasonable care under the circumstances if the owner or occupier or security contractor took certain steps specified in the bill. A trespasser is prohibited from filing a claim for negligent security. If the trier of fact in an action for negligent security finds that a defendant is liable to the plaintiff, the trier of fact must make an apportionment of fault according to the provisions of the bill.