By: Geren, Davis of Dallas, Shine, Leach, Kuempel, et al.  

H.B. No. 1739

A BILL TO BE ENTITLED
AN ACT
relating to recovery under uninsured and underinsured motorist insurance coverage.

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

SECTION 1. Subchapter C, Chapter 1952, Insurance Code, is amended by adding Sections 1952.1061, 1952.1062, and 1952.1063 to read as follows:

Sec. 1952.1061. NOTICE OF CLAIM FOR UNFAIR SETTLEMENT PRACTICE. For the purpose of Section 541.060, an insured may provide notice of a claim for uninsured or underinsured motorist coverage by providing a written notification to the insurer that reasonably informs the insurer of the facts of the claim.

Sec. 1952.1062. LEGAL DETERMINATION NOT PREREQUISITE TO RECOVERY FOR UNFAIR SETTLEMENT PRACTICE. A judgment or other legal determination establishing the other motorist's liability or the extent of the insured's damages is not a prerequisite to recovery in an action under Section 541.151 for a violation of Section 541.060.

Sec. 1952.1063. LIMITATION ON EXTRA-CONTRACTUAL CAUSES OF ACTION. In regard to a claim for uninsured or underinsured motorist coverage, the only extra-contractual cause of action available to an insured is provided by Section 541.151 to recover damages under Section 541.152 for a violation of Section 541.060.

SECTION 2. (a) Except as provided by this section, the change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

(b) The change in law made by this Act does not affect the enforceability of any provision in an insurance policy delivered, issued for delivery, or renewed before January 1, 2020, that conflicts with the change in law made by this Act.

SECTION 3. This Act takes effect September 1, 2019.