

By: Averitt

S.B. No. 813

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of certain payments for benefits under a personal automobile insurance policy.

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

SECTION 1. Article 5.06-3, Insurance Code, is amended by amending Subsection (c) and adding Subsection (i) to read as follows:

(c) The benefits required by this Act shall be payable without regard to the fault or non-fault of the named insured or the recipient in causing or contributing to the accident, and without regard to any collateral source of medical, hospital, or wage continuation benefits. Except as provided by Subsection (i) of this article, an [An] insurer paying benefits pursuant to this Act shall have no right of subrogation and no claim against any other person or insurer to recover any such benefits by reason of the alleged fault of such other person in causing or contributing to the accident.

(i) An insurer paying benefits pursuant to this Act shall have a right of subrogation and a claim against a person causing or contributing to the accident if, on the date of loss, financial responsibility as required by Chapter 601, Transportation Code, has not been established for a motor vehicle involved in the accident and operated by that person or the motor vehicle operated by that person was insured by an insurer not authorized to engage in

1 business in this state.

2 SECTION 2. The change in law made by this Act to Article
3 5.06-3, Insurance Code, applies only to an insurance policy
4 delivered, issued for delivery, or renewed on or after January 1,
5 2004. A policy delivered, issued for delivery, or renewed before
6 January 1, 2004, is governed by the law as it existed immediately
7 before the effective date of this Act, and that law is continued in
8 effect for that purpose.

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