

Amend CSHB 4 (Senate committee printing) on third reading as follows:

(1) In SECTION 3 of the bill, in added Subsection (a), Section 152.0412, Tax Code (page 1, lines 28-31), strike "fair local market value of a motor vehicle in a private party transaction, as determined by the Texas Department of Transportation based on a nationally recognized motor vehicle industry reporting service." and substitute "private-party transaction value of a motor vehicle, as determined by the Texas Department of Transportation based on an appropriate regional guidebook of a nationally recognized motor vehicle value guide service, or based on another motor vehicle guide publication that the department determines is appropriate if a private-party transaction value for the motor vehicle is not available from a regional guidebook described by this subsection.".

(2) In SECTION 3 of the bill, in added Subsection (d-1), Section 152.0412, Tax Code (page 1, line 60), strike "20th day after the date of purchase." and substitute "20th working day after the date the motor vehicle is delivered to the purchaser or is brought into this state, as applicable."

(3) In SECTION 3 of the bill, in added Subsection (f), Section 152.0412, Tax Code (page 2, lines 11-12), strike "The department may charge a person a reasonable fee for access to the publication."

(4) Between SECTION 3 and SECTION 4 of the bill (page 2, between lines 24 and 25), insert the following new appropriately numbered SECTION of the bill and renumber subsequent existing SECTIONS of the bill accordingly:

SECTION _____. (a) Subchapter A, Chapter 5, Insurance Code, is amended by adding Article 5.07-2 to read as follows:

Art. 5.07-2. VALUATION OF TOTALED MOTOR VEHICLE. (a) For purposes of this article, "standard presumptive value" has the meaning assigned by Section 152.0412(a), Tax Code.

(b) If an insurer determines that a motor vehicle covered under an automobile insurance policy issued by the insurer is a total loss, the insurer shall assign the motor vehicle a value that is equal to or greater than:

(1) the standard presumptive value of that vehicle or a value that is equal to the value assigned to the vehicle by an electronic database that complies with the standards promulgated by the National Association of Insurance Commissioners in the Unfair Property/Casualty Claims Settlement Practices Model Regulation; or

(2) the value of the vehicle as evidenced by documentation described by Section 152.0412(d)(1) or (2), Tax Code.

(c) In settling a liability claim by a third party against an insured for property damage claimed by the third party, if the insurer determines that the third party's motor vehicle is a total loss, the insurer shall assign the third party's motor vehicle a value that is equal to or greater than:

(1) the standard presumptive value of that vehicle or a value that is equal to the value assigned to the vehicle by an electronic database that complies with the standards promulgated by the National Association of Insurance Commissioners in the Unfair Property/Casualty Claims Settlement Practices Model Regulation; or

(2) the value of the vehicle as evidenced by documentation described by Section 152.0412(d)(1) or (2), Tax Code.

(d) Documentation provided under Subsection (b)(2) or (c)(2) of this article is not subject to the requirements of Section 152.0412(d-1), Tax Code.

(e) This article does not affect any right granted by statute, common law, or contract to seek a determination of proportionate responsibility. To the extent of any conflict between this article and a right granted by statute, common law, or contract to seek a determination of proportionate responsibility, the right to seek a determination of proportionate responsibility prevails over this article.

(f) This article expires April 1, 2007.

(b) Chapter 1952, Insurance Code, as effective April 1, 2007, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. VALUATION OF TOTALED MOTOR VEHICLE

Sec. 1952.351. DEFINITION. In this subchapter, "standard presumptive value" has the meaning assigned by Section 152.0412(a), Tax Code.

Sec. 1952.352. VALUATION OF TOTALED MOTOR VEHICLE. (a) If an insurer determines that a motor vehicle covered under an automobile insurance policy issued by the insurer is a total loss, the insurer shall assign the motor vehicle a value that is equal to or greater than:

(1) the standard presumptive value of that vehicle or a value that is equal to the value assigned to the vehicle by an electronic database that complies with the standards promulgated by the National Association of Insurance Commissioners in the Unfair Property/Casualty Claims Settlement Practices Model Regulation; or

(2) the value of the vehicle as evidenced by documentation described by Section 152.0412(d)(1) or (2), Tax Code.

(b) In settling a liability claim by a third party against an insured for property damage claimed by the third party, if the insurer determines that the third party's motor vehicle is a total loss, the insurer shall assign the third party's motor vehicle a value that is equal to or greater than:

(1) the standard presumptive value of that vehicle or a value that is equal to the value assigned to the vehicle by an electronic database that complies with the standards promulgated by the National Association of Insurance Commissioners in the Unfair Property/Casualty Claims Settlement Practices Model Regulation; or

(2) the value of the vehicle as evidenced by

documentation described by Section 152.0412(d)(1) or (2), Tax Code.

(c) Documentation provided under Subsection (a)(2) or (b)(2) is not subject to the requirements of Section 152.0412(d-1), Tax Code.

Sec. 1952.353. PROPORTIONATE RESPONSIBILITY. This subchapter does not affect any right granted by statute, common law, or contract to seek a determination of proportionate responsibility. To the extent of any conflict between this subchapter and a right granted by statute, common law, or contract to seek a determination of proportionate responsibility, the right to seek a determination of proportionate responsibility prevails over this subchapter.

(5) Strike SECTION 6(b) of the bill (page 2, lines 51 and 52) and substitute the following:

(b) Section 152.0412, Tax Code, and Article 5.07-2, Insurance Code, as added by this Act, take effect October 1, 2006. Subchapter H, Chapter 1952, Insurance Code, as added by this Act, takes effect April 1, 2007.