

Amend **HB 2017** as follows:

(1) On page 346, strike lines 1-4 and substitute the following:

Sec. 462.255. CERTAIN CLAIMS SUBJECT TO LIEN OR SUBROGATION;  
LIMIT ON TOTAL RECOVERY

[Sections 462.256-462.300 reserved for expansion]

(2) On page 346, lines 13-14, strike "SATISFACTION OF  
OBLIGATION TO PAY COVERED CLAIMS;".

(3) On page 351, line 25, strike "462.305(d)" and substitute  
"462.305".

(4) On page 364, line 13, strike "462.302(b)" and substitute  
"462.302(d)".

(5) On page 378, strike lines 17-23 and substitute the  
following:

(c) Subject to Section 462.255, the maximum amount payable  
by the association is the damages incurred by the claimant, less the  
association's credit or offset under this section, except that the  
association's liability may not exceed the lesser of:

(1) \$300,000; or

(2) the limits of the insurance policy under which the  
claim is made. (V.T.I.C. Art. 21.28-C, Sec. 12(a) (part).)

(6) Strike page 379, line 17, through page 380, line 16, and  
substitute the following:

(e) Subject to Section 462.255, the maximum amount payable  
by the association is the amount of damages incurred by the  
claimant, less the credit or offset, except that the association's  
liability may not exceed \$300,000. (V.T.I.C. Art. 21.28-C, Sec.  
12(b).)

Sec. 462.255. CERTAIN CLAIMS SUBJECT TO LIEN OR SUBROGATION;  
LIMIT ON TOTAL RECOVERY. (a) Notwithstanding Sections 462.252(c)  
and 462.254(e), if a claimant is seeking recovery of insurance  
policy benefits that, had the impaired insurer not been insolvent,  
would be subject to lien or subrogation by an other insurer,  
including a workers' compensation insurer or health insurer,  
regardless of whether the other insurer is impaired, the  
association's credit or offset is deducted from the lesser of the  
damages incurred by the claimant or the limits of the policy under

which the claim is made.

(b) A claimant's recovery under this chapter may not result in a total recovery to the claimant that is greater than the recovery that would have resulted had the impaired insurer not been insolvent.

(c) Subject to Sections 462.201–462.203, 462.205–462.210, 462.213, 462.214, and 462.305 of this code and Title 5, Labor Code, a claim for workers' compensation benefits under this chapter may not result in a recovery to the claimant that is less than the recovery that would have resulted had the impaired insurer not been insolvent. (V.T.I.C. Art. 21.28–C, Secs. 12(a–1), (b–1).)

[Sections 462.256–462.300 reserved for expansion]

(7) On page 381, between lines 13 and 14, insert the following:

(b) The association satisfies the obligation to pay a covered claim by paying the claimant the full amount of a covered claim for benefits.

(c) The association's liability is limited to the payment of covered claims. The association is not liable for any other claim or damages against the insured, an impaired insurer, the association, the receiver, the special deputy receiver, the commissioner, or the liquidator, including a claim for:

(1) recovery of attorney's fees, prejudgment or postjudgment interest, or penalties;

(2) extracontractual damages, multiple damages, or exemplary damages; or

(3) any other amount sought in connection with the assertion or prosecution of a claim, without regard to whether the claim is a covered claim, by or on behalf of:

(A) an insured or claimant; or

(B) a provider of goods or services retained by an insured or claimant.

(8) On page 381, line 14, strike "(b)" and substitute "(d)".

(9) On page 381, strike line 17 and substitute the following:

(e) This section does not exclude the payment of workers' compensation benefits or other liabilities or penalties authorized by Title 5, Labor Code, arising from the association's processing

and paying workers' compensation benefits after the designation of impairment. (V.T.I.C. Art. 21.28-C, Secs. 8(a), (c) (part).)

(10) Strike page 382, line 23, through page 383, line 25, and substitute the following:

Sec. 462.305. LIMITATION OF ASSOCIATION'S LIABILITY. The association is not liable to an insured or liability claimant for the association's failure to settle a liability claim within the limits of a covered claim under this chapter. A claim described by this section for failure to settle a liability claim is not a covered claim. (V.T.I.C. Art. 21.28-C, Sec. 5(8) (part).)

(11) On page 494, line 14, strike "complies with" and substitute "is filed in accordance with the requirements of".

(12) On page 494, line 15, between "applicable," and "that is", insert "that has not been disapproved by the commissioner, and".

(13) On page 597, line 7, between "STANDARD POLICY FORMS" and the semicolon, insert "AND UNIFORM POLICY".

(14) On page 597, line 18, between "STANDARD POLICY FORMS" and the semicolon, insert "AND UNIFORM POLICY".

(15) On page 643, line 21, strike "board" and substitute "company".

(16) On page 732, line 5, strike "Subchapter C," and substitute "Subchapters A and C,".