

By: Berman

H.B. No. 125

A BILL TO BE ENTITLED

AN ACT

relating to liability for injury arising from a motor vehicle accident.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 92 to read as follows:

CHAPTER 92. LIABILITY FOR CERTAIN MOTOR VEHICLE ACCIDENTS

Sec. 92.001. DEFINITION. In this chapter, "economic damages" has the meaning assigned by Section 66, Article III, Texas Constitution.

Sec. 92.002. LIABILITY FOR INJURY TO CERTAIN OPERATORS.

(a) A person may not obtain damages, other than economic damages, in a civil action for bodily injury, death, or damage to or destruction of property arising out of a motor vehicle accident if the person was knowingly operating the motor vehicle, at the time of the accident, in violation of Section 601.051, Transportation Code.

(b) Subsection (a) applies to a claim for damages made by a person whose right to recovery derives from an injury to another person whose right to recovery would be barred under Subsection (a), including a claim for wrongful death or for loss of consortium or companionship.

(c) Each insurer that issues a policy of motor vehicle insurance in this state to comply with the requirements of Chapter 601, Transportation Code, including a Lloyd's plan, county mutual

1 insurance company, or reciprocal or interinsurance exchange, shall
2 notify the person to whom the policy is issued of the provisions of
3 Subsections (a) and (b). The notice required by this subsection
4 shall be made at the time the policy is initially issued and at any
5 time coverage under the policy is terminated. The commissioner of
6 insurance by rule shall adopt the form and content of the notice
7 required by this subsection.

8 (d) The Department of Public Safety shall post notice of the
9 provisions of Subsections (a) and (b) at each facility of the
10 department at which an in-person application for issuance or
11 renewal of a license may be made.

12 (e) A person who offers a driving safety course approved by
13 the Texas Education Agency under Chapter 1001, Education Code,
14 shall notify each student in writing of the provisions of
15 Subsections (a) and (b). The Texas Education Agency shall adopt the
16 form and content of the notice required by this subsection. At the
17 option of the person who offers the course, the notice may be
18 included in approved course materials or provided separately from
19 those materials.

20 (f) This section does not prohibit a person described by
21 Subsection (a) from acting in a representative capacity to bring
22 suit on behalf of another person injured in the accident, as next
23 friend or otherwise.

24 SECTION 2. (a) This Act applies only to a cause of action
25 that accrues on or after the effective date of this Act. An action
26 that accrued before the effective date of this Act is governed by
27 the law applicable to the action immediately before the effective

1 date of this Act, and that law is continued in effect for that
2 purpose.

3 (b) The Department of Public Safety is not required to
4 comply with Section 92.002(d), Civil Practice and Remedies Code,
5 before September 1, 2005.

6 (c) A person who offers a driving safety course described by
7 Section 92.002(e), Civil Practice and Remedies Code, is not
8 required to comply with Section 92.002(e) before September 1, 2005.

9 SECTION 3. This Act is an exercise of authority under
10 Section 66(c), Article III, Texas Constitution, and takes effect
11 only if it receives a vote of three-fifths of all the members
12 elected to each house, as provided by Subsection (e) of that
13 section.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.