

By: Menendez

H.B. No. 766

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to liability for damages arising from a motor vehicle  
3 accident.

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

5 SECTION 1. Subchapter D, Chapter 601, Transportation Code,  
6 is amended by adding Section 601.089 to read as follows:

7 Sec. 601.089. PAYMENT OF DEDUCTIBLE FOLLOWING CERTAIN  
8 ACCIDENTS. (a) If, following a motor vehicle accident, a person  
9 who was knowingly operating a motor vehicle involved in the  
10 accident in violation of Section 601.051 files a claim against a  
11 motor vehicle liability insurance policy that an operator or owner  
12 of another motor vehicle involved in the accident is required to  
13 maintain under this chapter, the person filing the claim must pay  
14 the deductible amount or amounts described by Section 601.072(b)  
15 that would otherwise be due from the insured under the policy.

16 (b) An insurer that issues a motor vehicle liability  
17 insurance policy to satisfy the requirements of this subchapter may  
18 not require an insured to pay any deductible amount or amounts  
19 described by Section 601.072(b) that are due under the policy if a  
20 person other than the insured is required to pay the deductible  
21 amount or amounts under Subsection (a).

22 SECTION 2. Section 601.089, Transportation Code, as added  
23 by this Act, applies only to a motor vehicle liability insurance  
24 policy that is delivered, issued for delivery, or renewed on or

1 after the effective date of this Act. A motor vehicle liability  
2 insurance policy that is delivered, issued for delivery, or renewed  
3 before the effective date of this Act is governed by the law as it  
4 existed immediately before the effective date of this Act, and that  
5 law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2005.