

By: Smithee

H.B. No. 2155

Substitute the following for H.B. No. 2155:

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C.S.H.B. No. 2155

A BILL TO BE ENTITLED

AN ACT

1
2 relating to liability of insurance agents for unfair methods of
3 competition or deceptive acts or practices in the business of
4 insurance.

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

6 SECTION 1. Subchapter D, Chapter 541, Insurance Code, as
7 effective April 1, 2005, is amended by adding Section 541.163 to
8 read as follows:

9 Sec. 541.163. ELECTION OF REMEDY FOR CLAIM AGAINST
10 INSURANCE AGENT. A person may not bring an action against or
11 recover damages from an insurance agent under the Deceptive Trade
12 Practices-Consumer Protection Act (Subchapter E, Chapter 17,
13 Business & Commerce Code) for the same act or practice for which the
14 person brings an action against or recovers damages from the
15 insurance agent under this subchapter.

16 SECTION 2. The changes in law made by this Act apply only to
17 a cause of action that accrues on or after the effective date of
18 this Act. A cause of action that accrues before the effective date
19 of this Act is governed by the law in effect immediately before that
20 date, and that law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2005.