

By: Thompson

H.B. No. 3300

A BILL TO BE ENTITLED

AN ACT

relating to certain coverages under an automobile insurance policy.

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

SECTION 1. Section (1), Article 5.06-1, Insurance Code, is amended to read as follows:

(1) No automobile liability insurance (including insurance issued pursuant to an Assigned Risk Plan established under authority of Section 35 of the Texas Motor Vehicle Safety-Responsibility Act), covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state unless coverage is provided therein or supplemental thereto, in at least the limits described in the Texas Motor Vehicle Safety-Responsibility Act, under provisions prescribed by the Board, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured or underinsured motor vehicles because of bodily injury, sickness, or disease, including death, or property damage resulting therefrom. The coverages required under this Article shall not be applicable where any insured named in the policy shall reject the coverage in writing; provided that unless the named insured thereafter requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured has rejected the coverage in connection with a policy previously issued

1 to him by the same insurer or by an affiliated insurer. For  
2 purposes of this coverage, reinstatement of a cancelled policy with  
3 a lapse of coverage of thirty (30) days or less will be deemed to be  
4 a renewal of the policy.

5 SECTION 2. Section (A), Article 5.06-3, Insurance Code, is  
6 amended to read as follows:

7 (a) No automobile liability insurance policy, including  
8 insurance issued pursuant to an assigned risk plan established  
9 under authority of Section 35 of the Texas Motor Vehicle  
10 Safety-Responsibility Act, covering liability arising out of the  
11 ownership, maintenance, or use of any motor vehicle shall be  
12 delivered or issued for delivery in this state unless personal  
13 injury protection coverage is provided therein or supplemental  
14 thereto. The coverage required by this article shall not be  
15 applicable if any insured named in the policy shall reject the  
16 coverage in writing; provided, unless the named insured thereafter  
17 requests such coverage in writing, such coverage need not be  
18 provided in or supplemental to a renewal policy if the named insured  
19 has rejected the coverage in connection with a policy previously  
20 issued to him by the same insurer or by an affiliated insurer. For  
21 purposes of this coverage, reinstatement of a cancelled policy with  
22 a lapse of coverage of thirty (30) days or less will be deemed to be  
23 a renewal of the policy.

24 SECTION 3. The changes in law made by this Act apply only to  
25 an insurance policy that is delivered, issued for delivery, or  
26 renewed on or after the effective date of this Act. An insurance  
27 policy that is delivered, issued for delivery, or renewed before

1 the effective date of this Act is covered by the law in effect at the  
2 time the policy was delivered, issued for delivery, or renewed, and  
3 that law is continued in effect for that purpose.

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