

By: Smithee

H.B. No. 2013

Substitute the following for H.B. No. 2013:

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C.S.H.B. No. 2013

A BILL TO BE ENTITLED

AN ACT

relating to recovery under uninsured and underinsured motorist insurance coverage.

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

SECTION 1. Subchapter C, Chapter 1952, Insurance Code, is amended by adding Sections 1952.1061 and 1952.1062 to read as follows:

Sec. 1952.1061. NOTICE OF CLAIM. A claimant provides notice of a claim, including notice for the purposes of Subchapter D, Chapter 541, and Subchapter B, Chapter 542, for uninsured or underinsured motorist coverage by providing written notification to the insurer that reasonably informs the insurer of the facts of the claim.

Sec. 1952.1062. LEGAL DETERMINATION NOT PREREQUISITE TO RECOVERY. (a) An insurer may not require as a prerequisite to asserting a claim under uninsured or underinsured motorist coverage a judgment or other legal determination establishing the other motorist's liability or uninsured or underinsured status. A judgment or other legal determination described by this subsection is not a prerequisite to having a claim for the purposes of Chapters 541 and 542.

(b) An insurer may not require as a prerequisite to payment of benefits under uninsured or underinsured motorist coverage a judgment or other legal determination establishing the other

1 motorist's liability or the extent of the insured's damages before
2 benefits are paid under the policy.

3 SECTION 2. (a) Except as provided by this section, the
4 change in law made by this Act applies only to a cause of action that
5 accrues on or after the effective date of this Act. A cause of
6 action that accrues before the effective date of this Act is
7 governed by the law in effect immediately before that date, and that
8 law is continued in effect for that purpose.

9 (b) The change in law made by this Act does not affect the
10 enforceability of any provision in an insurance policy delivered,
11 issued for delivery, or renewed before January 1, 2008, that
12 conflicts with the change in law made by this Act.

13 SECTION 3. This Act takes effect September 1, 2007.