

By: Martinez Fischer

H.B. No. 4457

A BILL TO BE ENTITLED

AN ACT

relating to damages for certain insurance practices.

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

SECTION 1. Section 541.152, Insurance Code, is amended to read as follows:

Sec. 541.152. DAMAGES, ATTORNEY'S FEES, AND OTHER RELIEF.

(a) A plaintiff who prevails in an action under this subchapter may obtain:

(1) the amount of damages for mental anguish and other actual damages, plus court costs and reasonable and necessary attorney's fees;

(2) an order enjoining the act or failure to act complained of; or

(3) any other relief the court determines is proper.

(b) On a finding by the trier of fact that the defendant knowingly committed the act complained of, the trier of fact may award an amount not to exceed three times the amount of actual damages. A finding that the defendant acted knowingly shall not be a prerequisite to the recovery of any actual damages.

SECTION 2. This Act applies only to an action commenced on or after the effective date of this Act. An action that is commenced before the effective date of this Act is governed by the law applicable to the action immediately before the effective date of this Act, and that law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2009.