

Amend CSHB 272 (house committee printing) as follows:

(1) On page 2, strike lines 16-23 and substitute:

Sec. 2210.010. APPLICABILITY OF CERTAIN OTHER LAW. (a) A person may not bring a private action against the association, including a claim against an agent or representative of the association, under Chapter 541 or 542.

(b) Chapter 542 does not apply to the processing and settlement of claims by the association.

(2) On page 9, line 4, strike "insurable" and substitute "insured".

(3) On page 16, lines 3-4, strike "insured under this chapter".

(4) On page 16, lines 4-5, strike "concerning a causation, coverage, or damage dispute".

(5) On page 16, lines 17-18, strike "OTHER THAN CAUSATION, COVERAGE, AND DAMAGE DISPUTES" and substitute "OTHER THAN CLAIM DISPUTES".

(6) On page 18, lines 5-6, strike "following damage to property insured, or alleged to be insured, under the policy." and substitute ". The term also includes any other claim against the association, or an agent or representative of the association, relating to an insured loss, under any theory or cause of action of any kind, regardless of the theory under which the claim is asserted, the cause of action brought, or the type of damages sought."

(7) On page 18, strike lines 16-23 and substitute:

Sec. 2210.572. EXCLUSIVE REMEDIES AND LIMITATION ON AWARD.

(a) This subchapter provides the exclusive remedies for a claim against the association, including an agent or representative of the association.

(b) The association or an agent or representative of the association may not be held liable for any amount on a claim other than:

(1) amounts payable under the terms of the association policy for loss to an insured structure, loss to contents of an insured structure, and additional living expenses; and

(2) any costs and fees awarded under Section 2210.578.

(c) The association or an agent or representative of the association may not be held liable for damages under Chapter 17, Business & Commerce Code, or under any provision of any law providing for trebling of damages or a penalty.

(8) On page 19, lines 20-21, strike "in accordance with" and substitute "within the period required by".

(9) On page 27, between lines 19 and 20, insert:

(d) Notwithstanding Subsection (b), a claimant aggrieved by an appraisal process under Section 2210.575 or the determination of an independent review panel under Section 2210.576 may appeal to a district court in the county in which the loss that, as applicable, is the subject of the appraisal or independent review occurred, for a determination concerning:

(1) the amount of the loss;

(2) whether the loss is covered by or insured under the association policy;

(3) whether the loss was caused by a hazard or risk insured under the policy; and

(4) the amount of court costs and reasonable and necessary attorney's fees.

(e) An appeal to a district court under Subsection (d) shall be trial de novo. The only questions that may be presented and determined at the trial de novo are:

(1) the amount of the loss;

(2) whether the loss is covered by or insured under the association policy;

(3) whether the loss was caused by a hazard or risk insured under the policy; and

(4) the amount of court costs and reasonable and necessary attorney's fees.

(f) The only evidence that may be admitted in a trial de novo under Subsection (d) is evidence that was admitted or presented in the appraisal process under Section 2210.575 or the independent review process under Section 2210.576. The Texas Rules of Evidence govern whether evidence presented during the appraisal process under Section 2210.575 or the independent review process under Section 2210.576 is admissible in a trial de novo under Subsection

(d).

(g) A petition for trial de novo under Subsection (d) must be filed with a district court in the county in which the loss that, as applicable, is the subject of the appraisal or independent review occurred, not later than the 30th day after the date on which the determination being appealed is final and appealable under this subchapter.

(h) The appeal seeking a trial de novo under Subsection (d) shall be presided over by a judge appointed by the judicial panel on multidistrict litigation designated under Section 74.161, Government Code. A judge appointed under this section must be a resident of a first tier coastal county or a second tier coastal county.

(i) The Texas Supreme Court shall adopt rules governing the proceedings of a trial de novo under Subsection (d).

(10) On page 27, line 26, between "a" and "dispute", insert "claim or".

(11) On page 28, line 3, between "a" and "dispute", insert "claim or".

(12) On page 28, lines 7-9, strike "on the date the policy was delivered, issued for delivery, or renewed" and substitute "immediately before the effective date of this Act".

(13) On page 28, strike lines 13-18, and renumber SECTIONS of the bill appropriately.