

By: Torres

H.B. No. 3150

Substitute the following for H.B. No. 3150:

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C.S.H.B. No. 3150

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the recovery of damages in a cause of action brought
3 against the Texas Windstorm Insurance Association.

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

5 SECTION 1. Section 541.152, Insurance Code, is amended by
6 amending Subsection (b) and adding Subsection (c) to read as
7 follows:

8 (b) Except as provided by Subsection (c), on ~~On~~ a finding
9 by the trier of fact that the defendant knowingly committed the act
10 complained of, the trier of fact may award an amount not to exceed
11 three times the amount of actual damages.

12 (c) Subsection (b) does not apply to an action under this
13 subchapter brought against the Texas Windstorm Insurance
14 Association by a person who is insured under Chapter 2210.

15 SECTION 2. Section 2210.552, Insurance Code, is amended by
16 adding Subsection (e) to read as follows:

17 (e) A person who brings an action against the association
18 under this section:

19 (1) may recover the amount of actual damages, plus
20 court costs and reasonable and necessary attorney's fees; and

21 (2) may not recover punitive or exemplary damages,
22 including damages under Section 541.152(b) or 542.060 of this code
23 or Section 17.50, Business & Commerce Code.

24 SECTION 3. The change in law made by this Act applies only

1 to a cause of action that accrues on or after the effective date of
2 this Act. A cause of action that accrues before the effective date
3 of this Act is governed by the law in effect immediately before that
4 date, and that law is continued in effect for that purpose.

5 SECTION 4. This Act takes effect September 1, 2011.