

By: Torres

H.B. No. 3150

A BILL TO BE ENTITLED

AN ACT

relating to the recovery of damages in a cause of action brought against the Texas Windstorm Insurance Association.

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

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

(b) Except as provided by Subsection (c), on ~~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.

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

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

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

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

(2) may not recover punitive or exemplary damages, including damages under Section 541.152(b).

SECTION 3. The change in law made by this Act applies only to a cause of action that accrues on or after the effective date of

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

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