

SENATE AMENDMENTS

2nd Printing

By: Smithee, Thompson of Harris, Alonzo

H.B. No. 949

A BILL TO BE ENTITLED

1 AN ACT
2 relating to continuation of automobile insurance coverage for
3 certain motor vehicles acquired during a personal automobile
4 insurance policy term.

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

6 SECTION 1. Section 1952.001, Insurance Code, is amended to
7 read as follows:

8 Sec. 1952.001. APPLICABILITY OF CHAPTER. Except as
9 otherwise provided by this chapter [~~Section 1952.201~~], this chapter
10 applies to an insurer writing automobile insurance in this state,
11 including an insurance company, corporation, reciprocal or
12 interinsurance exchange, mutual insurance company, association,
13 Lloyd's plan, or other insurer.

14 SECTION 2. Subchapter B, Chapter 1952, Insurance Code, is
15 amended by adding Section 1952.059 to read as follows:

16 Sec. 1952.059. REQUIRED PROVISION: COVERAGE FOR CERTAIN
17 VEHICLES ACQUIRED DURING POLICY TERM. (a) This section applies to
18 an insurer authorized to write automobile insurance in this state,
19 including an insurance company, reciprocal or interinsurance
20 exchange, mutual insurance company, capital stock company, county
21 mutual insurance company, Lloyd's plan, or other entity.

22 (b) A personal automobile insurance policy must contain a
23 provision defining a covered vehicle in accordance with this
24 section for a motor vehicle acquired by the insured during the

1 policy term.

2 (c) Coverage under this section is required only for a
3 vehicle that is:

4 (1) a private passenger automobile; or

5 (2) a pickup, utility vehicle, or van with a gross
6 vehicle weight of 30,000 pounds or less that is not used for the
7 delivery or transportation of goods, materials, or supplies, other
8 than samples, unless:

9 (A) the delivery of the goods, materials, or
10 supplies is not the primary use for which the vehicle is employed;
11 or

12 (B) the vehicle is used for farming or ranching.

13 (d) Coverage under this section is required only for a
14 vehicle that is acquired during the policy term and of which the
15 insurer is notified on or before:

16 (1) the 20th day after the date on which the insured
17 becomes the owner of the vehicle; or

18 (2) a later date specified by the policy.

19 (e) Coverage under this section for a vehicle that replaces
20 a covered vehicle shown in the declarations for the policy must be
21 the same as the coverage for the vehicle being replaced. An insured
22 must notify the insurer of a replacement vehicle during the time
23 prescribed by Subsection (d) only if the insured wishes to:

24 (1) add coverage for damage to the vehicle; or

25 (2) continue existing coverage for damage to the
26 vehicle after the period prescribed by Subsection (d) expires.

27 (f) Coverage under this section for a vehicle that is

1 acquired during the policy term in addition to the covered vehicles
2 shown in the declarations for the policy and of which the insurer is
3 notified as prescribed by Subsection (d) must be the broadest
4 coverage provided under the policy for any covered vehicle shown in
5 the declarations.

6 SECTION 3. The change in law made by this Act applies only
7 to an insurance policy delivered, issued for delivery, or renewed
8 on or after January 1, 2014. An insurance policy delivered, issued
9 for delivery, or renewed before January 1, 2014, is governed by the
10 law in effect immediately before the effective date of this Act, and
11 that law is continued in effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2013.

ADOPTED

MAY 09 2013

Atay Spaul
Secretary of the Senate

Smithlee, Thompson of Harris, Alonzo

By:

Jeffrey D. Norton

H.B. No. 949

Substitute the following for H.B. No. 944:

By: _____

C.S.H.B. No. 949

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23 provision defining a covered vehicle in accordance with this
24 section for a motor vehicle acquired by the insured during the

1 policy term.

2 (c) Coverage under this section is required only for a
3 vehicle that is:

4 (1) a private passenger automobile; or

5 (2) a pickup, utility vehicle, or van with a gross
6 vehicle weight of 25,000 pounds or less that is not used for the
7 delivery or transportation of goods, materials, or supplies, other
8 than samples, unless:

9 (A) the delivery of the goods, materials, or
10 supplies is not the primary use for which the vehicle is employed;
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11 that law is continued in effect for that purpose.

12 SECTION 4. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 9, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB949 by Smithee (Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term. Based on information provided by the Texas Department of Insurance, enactment of the bill may temporarily increase the number of personal automobile form filings received until all policy forms contain the required language; however, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, SD, RB, AG, MW, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 1, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB949 by Smithee (Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 454 Department of Insurance

LBB Staff: UP, RB, AG, MW, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 25, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB949 by Smithee (Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.), **As Engrossed**

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, RB, AG, MW, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 20, 2013

TO: Honorable John T. Smithee, Chair, House Committee On Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB949 by Smithee (Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

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Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 454 Department of Insurance

LBB Staff: UP, AG, MW, ER

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

February 25, 2013

TO: Honorable John T. Smithee, Chair, House Committee On Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB949 by Smithee (Relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to continuation of automobile insurance coverage for certain motor vehicles acquired during a personal automobile insurance policy term. Based on information provided by the Texas Department of Insurance, enactment of the bill may temporarily increase the number of personal automobile form filings received until all policy forms contain the required language; however, it is assumed that all duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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