

By: Thompson of Brazoria, Smithee,
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H.B. No. 335

Substitute the following for H.B. No. 335:

By: Frullo

C.S.H.B. No. 335

A BILL TO BE ENTITLED

1 AN ACT

2 relating to named driver insurance policies and certain related
3 exclusions.

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

5 SECTION 1. Chapter 1952, Insurance Code, is amended by
6 adding Subchapter H to read as follows:

7 SUBCHAPTER H. NAMED DRIVER POLICIES

8 Sec. 1952.351. DEFINITIONS. In this subchapter:

9 (1) "Household" means a unit composed of persons
10 living together in the same dwelling, without regard to whether
11 they are related to each other. The term includes a unit composed
12 of persons living together in:

13 (A) a home or mobile home;

14 (B) a duplex unit, apartment unit, or condominium
15 unit; or

16 (C) any dwelling unit in a multiunit residential
17 structure.

18 (2) "Named driver exclusion" means a provision or
19 endorsement of an automobile insurance policy that excludes
20 specified drivers from coverage under the policy.

21 (3) "Named driver policy" means an automobile
22 insurance policy that provides any type of coverage for individuals
23 named on the policy but that does not provide coverage for every
24 individual residing in a named insured's household.

1 (4) "Operator's policy" means an automobile insurance
2 policy that, in accordance with Section 601.077, Transportation
3 Code, provides coverage for the named insured when operating an
4 automobile the insured does not own.

5 Sec. 1952.352. APPLICABILITY. This subchapter applies to
6 an insurer writing automobile insurance in this state, including an
7 insurance company, corporation, reciprocal or interinsurance
8 exchange, mutual insurance company, capital stock company,
9 association, county mutual insurance company, Lloyd's plan, and any
10 other insurer.

11 Sec. 1952.353. NAMED DRIVER POLICIES PROHIBITED. (a) An
12 insurer may not deliver, issue for delivery, or renew a named driver
13 policy unless the named driver policy is an operator's policy.

14 (b) An insurer may use a named driver exclusion if the
15 exclusion specifically names each excluded driver and does not
16 exclude a class of drivers and the named insured accepts the
17 exclusion in writing.

18 Sec. 1952.354. RULES. The commissioner may adopt rules
19 necessary to implement this subchapter.

20 SECTION 2. Section 912.152(a), Insurance Code, is amended
21 to read as follows:

22 (a) A county mutual insurance company is subject to:

23 (1) Sections 1952.051-1952.055;

24 (2) Subchapter H, Chapter 1952;

25 (3) [~~2~~] Subchapter B, Chapter 2002;

26 (4) [~~3~~] Chapter 2301; and

27 (5) [~~4~~] Articles 5.06 and 5.35.

1 SECTION 3. Section 601.081(b), Transportation Code, is
2 amended to read as follows:

3 (b) A standard proof of motor vehicle liability insurance
4 form prescribed by the Texas Department of Insurance must include:

- 5 (1) the name of the insurer;
- 6 (2) the insurance policy number;
- 7 (3) the policy period;
- 8 (4) the name and address of each insured;
- 9 (5) the policy limits or a statement that the coverage
10 of the policy complies with the minimum amounts of motor vehicle
11 liability insurance required by this chapter; and
- 12 (6) the make and model of each covered vehicle [~~and~~
13 [~~(7) for a named driver policy, the required~~
14 ~~disclosure under Section 1952.0545, Insurance Code]~~].

15 SECTION 4. Section 1952.0545, Insurance Code, and Section
16 601.081(a), Transportation Code, are repealed.

17 SECTION 5. The change in law made by this Act applies only
18 to an insurance policy that is delivered, issued for delivery, or
19 renewed on or after January 1, 2016. A policy delivered, issued for
20 delivery, or renewed before January 1, 2016, is governed by the law
21 as it existed immediately before the effective date of this Act, and
22 that law is continued in effect for that purpose.

23 SECTION 6. This Act takes effect September 1, 2015.