

By: Thompson of Brazoria

H.B. No. 820

A BILL TO BE ENTITLED

AN ACT

relating to liability for injury arising from certain motor vehicle accidents.

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

SECTION 1. Title 4, Civil Practice and Remedies Code, is amended by adding Chapter 72A to read as follows:

CHAPTER 72A. LIABILITY FOR CERTAIN MOTOR VEHICLE ACCIDENTS

Sec. 72A.001. DEFINITIONS. In this chapter, "exemplary damages" and "noneconomic damages" have the meanings assigned by Section 41.001.

Sec. 72A.002. LIABILITY FOR INJURY TO CERTAIN OPERATORS.

(a) A person may not obtain noneconomic damages or exemplary damages in a civil action for bodily injury, death, or damage to or destruction of property arising out of a motor vehicle accident if the person was operating the motor vehicle at the time of the accident in violation of Section 601.051, Transportation Code.

(b) Subsection (a) does not apply to a person described by Subsection (a) if the person is injured by another person:

(1) who is operating a motor vehicle at the time of the accident while intoxicated in violation of Section 49.04, Penal Code, or another law of this state relating to the operation of a motor vehicle while intoxicated and who is convicted of an offense;

(2) whose wilful act or omission or gross neglect causes the injury;

1 (3) who flees from the scene of the accident; or

2 (4) who, at the time of the accident, is acting in
3 furtherance of the commission of a felony.

4 (c) Subsection (a) applies to a claim for damages made by a
5 person whose right to recovery derives from an injury to another
6 person whose right to recovery would be barred under Subsection
7 (a), including a claim for wrongful death or for loss of consortium
8 or companionship.

9 (d) Each insurer that issues a motor vehicle liability
10 insurance policy in this state to comply with the requirements of
11 Chapter 601, Transportation Code, including a Lloyd's plan, county
12 mutual insurance company, or reciprocal or interinsurance
13 exchange, shall notify the person to whom the policy is issued of
14 the provisions of Subsections (a)-(c). The notice required by this
15 subsection shall be made at the time the policy is initially issued
16 and at any time coverage under the policy is terminated. The
17 commissioner of insurance by rule shall adopt the form and content
18 of the notice required by this subsection.

19 (e) The Department of Public Safety shall post notice of the
20 provisions of Subsections (a)-(c) at each facility of the
21 department at which an in-person application for issuance or
22 renewal of a driver's license may be made.

23 (f) A person who offers a driving safety course approved
24 under Chapter 1001, Education Code, shall notify each student in
25 writing of the provisions of Subsections (a)-(c). The Texas
26 Education Agency shall adopt the form and content of the notice
27 required by this subsection. At the option of the person who offers

1 the course, the notice may be included in approved course materials
2 or provided separately from those materials.

3 (g) This section does not prohibit a person described by
4 Subsection (a) from acting in a representative capacity to bring
5 suit on behalf of another person injured in the accident, as next
6 friend or otherwise.

7 SECTION 2. This Act applies only to a cause of action that
8 accrues on or after the effective date of this Act. A cause of
9 action that accrued before the effective date of this Act is
10 governed by the law applicable to the cause of action immediately
11 before the effective date of this Act, and that law is continued in
12 effect for that purpose.

13 SECTION 3. This Act is an exercise of authority under
14 Section 66(c), Article III, Texas Constitution, and takes effect
15 only if it receives a vote of three-fifths of all the members
16 elected to each house, as provided by Subsection (e) of that
17 section.

18 SECTION 4. This Act takes effect January 1, 2016.