

By: Muñoz, Jr.

H.B. No. 2620

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the award of damages in a private action involving
3 health benefits for certain prohibited acts or practices by an
4 insurer.

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

6 SECTION 1. Section 541.152(a), Insurance Code, is amended
7 to read as follows:

8 (a) A plaintiff who prevails in an action under this
9 subchapter may obtain:

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

12 (2) in an action authorized by Section 541.151 that
13 relates to health benefits, the greater of:

14 (A) the amount provided by Subdivision (1); or

15 (B) \$10,000, plus court costs and reasonable and
16 necessary attorney's fees;

17 (3) an order enjoining the act or failure to act
18 complained of; or

19 (4) [~~(3)~~] any other relief the court determines is
20 proper.

21 SECTION 2. The change in law made by this Act applies only
22 to a cause of action that accrues on or after the effective date of
23 this Act. A cause of action that accrued before the effective date
24 of this Act is governed by the law applicable to the cause of action

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1 immediately before the effective date of this Act, and that law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2017.