By:  Thompson of Brazoria, et al. H.B. No. 259

     (Senate Sponsor - Hancock)

(In the Senate - Received from the House April 23, 2019; April 24, 2019, read first time and referred to Committee on Business & Commerce; May 15, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton                      X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire                       X

Zaffirini            X

A BILL TO BE ENTITLED

AN ACT

relating to named driver insurance policies and certain related exclusions.

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

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

SUBCHAPTER H. NAMED DRIVER POLICIES

Sec. 1952.351.  DEFINITIONS. In this subchapter:

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

(A)  a home or mobile home;

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

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

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

(3)  "Named driver policy" means an automobile insurance policy that provides any type of coverage for individuals named on the policy but that does not provide coverage for every individual who has permission to use a covered vehicle and who resides in a named insured's household.

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

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

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

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

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

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

(1)  Sections 1952.051-1952.055;

(2)  Subchapter H, Chapter 1952;

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

(4) [~~(3)~~]  Chapter 2301; and

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

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

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

(1)  the name of the insurer;

(2)  the insurance policy number;

(3)  the policy period;

(4)  the name and address of each insured;

(5)  the policy limits or a statement that the coverage of the policy complies with the minimum amounts of motor vehicle liability insurance required by this chapter; and

(6)  the make and model of each covered vehicle[~~; and~~

[~~(7)  for a named driver policy, the required disclosure under Section 1952.0545, Insurance Code~~].

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

SECTION 5.  The change in law made by this Act applies only to an insurance policy that is delivered, issued for delivery, or renewed on or after January 1, 2020. A policy delivered, issued for delivery, or renewed before January 1, 2020, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 6.  This Act takes effect September 1, 2019.

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