

By: Geren, Davis of Dallas, Shine, Leach,  
Kuempel, et al.

H.B. No. 1739

A BILL TO BE ENTITLED

AN ACT

relating to recovery under uninsured and underinsured motorist  
insurance coverage.

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

SECTION 1. Subchapter C, Chapter 1952, Insurance Code, is  
amended by adding Sections 1952.1061, 1952.1062, and 1952.1063 to  
read as follows:

Sec. 1952.1061. NOTICE OF CLAIM FOR UNFAIR SETTLEMENT  
PRACTICE. For the purpose of Section 541.060, an insured may  
provide notice of a claim for uninsured or underinsured motorist  
coverage by providing a written notification to the insurer that  
reasonably informs the insurer of the facts of the claim.

Sec. 1952.1062. LEGAL DETERMINATION NOT PREREQUISITE TO  
RECOVERY FOR UNFAIR SETTLEMENT PRACTICE. A judgment or other legal  
determination establishing the other motorist's liability or the  
extent of the insured's damages is not a prerequisite to recovery in  
an action under Section 541.151 for a violation of Section 541.060.

Sec. 1952.1063. LIMITATION ON EXTRA-CONTRACTUAL CAUSES OF  
ACTION. In regard to a claim for uninsured or underinsured motorist  
coverage, the only extra-contractual cause of action available to  
an insured is provided by Section 541.151 to recover damages under  
Section 541.152 for a violation of Section 541.060.

SECTION 2. (a) Except as provided by this section, the  
change in law made by this Act applies only to a cause of action that

1 accrues on or after the effective date of this Act. A cause of  
2 action that accrues before the effective date of this Act is  
3 governed by the law in effect immediately before that date, and that  
4 law is continued in effect for that purpose.

5 (b) The change in law made by this Act does not affect the  
6 enforceability of any provision in an insurance policy delivered,  
7 issued for delivery, or renewed before January 1, 2020, that  
8 conflicts with the change in law made by this Act.

9 SECTION 3. This Act takes effect September 1, 2019.