87R995 SCL-F

By:  Johnson of Dallas H.B. No. 804

A BILL TO BE ENTITLED

AN ACT

relating to an offset for amounts paid under an automobile insurance policy's personal injury protection coverage against a liability claim.

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

SECTION 1.  Section 1952.159, Insurance Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  Except as provided by Subsection (c), if [~~If~~] a liability claim is made by a guest or passenger described by Section 1952.151 against the owner or operator of the motor vehicle in which the guest or passenger was riding or against the owner's or operator's liability insurer, the owner or operator of the motor vehicle or the owner's or operator's liability insurer is entitled to an offset, credit, or deduction against any award made to the guest or passenger in an amount equal to the amounts paid by the owner, the operator, or the owner's or operator's automobile liability insurer to the guest or passenger under personal injury protection.

(c)  The owner's or operator's liability insurer is not entitled to an offset, credit, or deduction under Subsection (a) if the insurer has not paid, in relation to the accident, the full amount of the applicable liability policy limit under the owner's or operator's policy.

SECTION 2.  Section 1952.159, Insurance Code, as amended by this Act, applies only to a cause of action that accrues on or after the effective date of this Act. A cause of action that accrues before the effective date of this Act 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 3.  This Act takes effect September 1, 2021.