

By: Johnson of Dallas

H.B. No. 804

A BILL TO BE ENTITLED

1 AN ACT
2 relating to an offset for amounts paid under an automobile
3 insurance policy's personal injury protection coverage against a
4 liability claim.

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

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

9 (a) Except as provided by Subsection (c), if ~~if~~ a
10 liability claim is made by a guest or passenger described by Section
11 1952.151 against the owner or operator of the motor vehicle in which
12 the guest or passenger was riding or against the owner's or
13 operator's liability insurer, the owner or operator of the motor
14 vehicle or the owner's or operator's liability insurer is entitled
15 to an offset, credit, or deduction against any award made to the
16 guest or passenger in an amount equal to the amounts paid by the
17 owner, the operator, or the owner's or operator's automobile
18 liability insurer to the guest or passenger under personal injury
19 protection.

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

1 SECTION 2. Section [1952.159](#), Insurance Code, as amended by
2 this Act, applies only to a cause of action that accrues on or after
3 the effective date of this Act. A cause of action that accrues
4 before the effective date of this Act is governed by the law as it
5 existed immediately before the effective date of this Act, and that
6 law is continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2021.