88R3073 SCL-D

By:  Springer S.B. No. 167

A BILL TO BE ENTITLED

AN ACT

relating to a pool for certain individuals with claims against persons excluded from coverage by certain automobile insurance policies; authorizing an assessment.

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

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

SUBCHAPTER H. NAMED DRIVER POLICIES, OPERATOR'S POLICIES, AND CERTAIN OTHER EXCLUSIONARY POLICIES

SECTION 2.  Subchapter H, Chapter 1952, Insurance Code, is amended by adding Section 1952.354 to read as follows:

Sec. 1952.354.  POOL FOR OPERATOR'S POLICIES AND CERTAIN EXCLUSIONARY POLICIES. (a) This section applies only to an insurer writing an automobile insurance policy that:

(1)  is an operator's policy; or

(2)  excludes from coverage an individual who has permission to use a covered vehicle from the named insured.

(b)  The commissioner shall establish a pool for paying the deductible incurred by a person with a valid claim against an individual who is excluded from coverage under a policy described by Subsection (a). The commissioner by rule shall establish and maintain a system for an eligible person to apply for reimbursement by the pool.

(c)  The department may assess an insurer to which this section applies to provide money to operate the pool. The amount assessed against an insurer must be in proportion to the insurer's writing of policies described by Subsection (a) in this state.

(d)  The department may bring an action to collect an assessment against an insurer that does not pay the assessment within a reasonable time.

(e)  The commissioner may adopt rules necessary to implement this section.

SECTION 3.  This Act takes effect September 1, 2023.