

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

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

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

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

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