By: Morgan

H.B. No. 3095

	A BILL TO BE ENTITLED
1	AN ACT
2	relating to damage liability for a collision with a motorist who
3	failed to establish financial responsibility.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Chapter 72, Civil Practice and Remedies Code, is
6	amended by adding Subchapter C to read as follows:
7	SUBCHAPTER C. LIABILITY FOR COLLISION WITH CERTAIN MOTOR VEHICLE
8	OWNERS AND OPERATORS
9	Sec. 72.101. DEFINITIONS. In this subchapter:
10	(1) "Financial responsibility" has the meaning
11	assigned by Section 601.002, Transportation Code.
12	(2) "Noneconomic damages" means costs for physical and
13	emotional pain and suffering, physical impairment, emotional
14	distress, mental anguish, loss of enjoyment, loss of companionship,
15	services, and consortium, and any other nonpecuniary loss
16	proximately caused by a motor vehicle collision. The term does not
17	<u>include:</u>
18	(A) treatment and rehabilitation;
19	(B) medical expenses;
20	(C) loss of economic or educational potential;
21	(D) loss of productivity;
22	(E) absenteeism;
23	(F) support expenses;
24	(G) accidents or injury; and

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1 (H) any other pecuniary loss proximately caused by a motor vehicle collision. 2 Sec. 72.102. PROHIBITED RECOVERY OF CERTAIN DAMAGES. (a) 3 Except as provided by Section 72.103, an individual may not recover 4 5 damages for bodily injury, death, or property damage or noneconomic damages sustained as a result of a motor vehicle collision for which 6 7 the individual failed to establish financial responsibility in accordance with Chapter 601, Transportation Code. 8 9 (b) Except as provided by Section 72.103, the personal representative of an individual described by Subsection (a) who 10 died as a result of a motor vehicle collision may not recover 11 damages described by Subsection (a) in a wrongful death action 12 brought under Subchapter A, Chapter 71, for the individual's death. 13 Sec. 72.103. EXCEPTIONS. Section 72.102 does not apply to: 14 15 (1) an individual who: 16 (A) at the time of the collision on which the 17 action is based had failed to establish financial responsibility in accordance with Chapter 601, Transportation Code, for a period of 18 19 not more than 45 days; and 20 (B) before the period described by Paragraph (A), 21 had continuously established financial responsibility in accordance with Chapter 601, Transportation Code, for at least one 22 23 year; 24 (2) an individual who, at the time of the collision on which the action is based: 25 26 (A) was a passenger in a vehicle and was not the

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owner or operator of the vehicle for which financial responsibility

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4       of the United States who had returned from a deployment         5       than six months earlier; or         6       (3) damages caused by an individual who at the         7       the collision on which the action is based:         8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no         17       damages provided by Subchapter C, Chapter 72, Civil Pravilar         18       Remedies Code, as added by this Act, is an exercise of a under Section 66(c), Article III, Texas Constitution, a constitution,		
3       (C) was an active-duty member of the arm         4       of the United States who had returned from a deployment.         5       than six months earlier; or         6       (3) damages caused by an individual who at the         7       the collision on which the action is based:         8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of a under Section 66(c), Article III, Texas Constitution, a effect only if this Act receives a vote of three-fifths o         20       members elected to each house, as provided by Subsection (effect only if this Act receives a vote of three-fifths o         21       SECTION 3. Subchapter C, Chapter 72, Civil Prace         22       SECTION 3. Subchapter C, Chapter 72, Civil Prace         23       SECTION 3. Subchapt	1 <u>v</u>	was not established;
4       of the United States who had returned from a deployment         5       than six months earlier; or         6       (3) damages caused by an individual who at the         7       the collision on which the action is based:         8       (A) was driving while under the infile         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of a under Section 66(c), Article III, Texas Constitution, a constitution, a construction, a section.         20       section.         21       SECTION 3. Subchapter C, Chapter 72, Civil Prace         22       Remedies Code, as added by this Act, applies only to a	2	(B) was a minor under the age of 18; or
5       than six months earlier; or         6       (3) damages caused by an individual who at the         7       the collision on which the action is based:         8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no:         17       damages provided by Subchapter C, Chapter 72, Civil Pravilar         18       Remedies Code, as added by this Act, is an exercise of a under Section 66(c), Article III, Texas Constitution, a effect only if this Act receives a vote of three-fifths o members elected to each house, as provided by Subsection (constitue)         20       section.         23       SECTION 3. Subchapter C, Chapter 72, Civil Pravilar         24       Remedies Code, as added by this Act, applies only to a	3	(C) was an active-duty member of the armed forces
6       (3) damages caused by an individual who at the the collision on which the action is based:         7       the collision on which the action is based:         8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no:         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of form         19       under Section 66(c), Article III, Texas Constitution, and         20       effect only if this Act receives a vote of three-fifths or         21       members elected to each house, as provided by Subsection (effect only         22       SECTION 3. Subchapter C, Chapter 72, Civil Prace         23       SECTION 3. Subchapter C, Chapter 72, Civil Prace         24       Remedies Code, as added by this Act, applies only to a	4 <u>c</u>	of the United States who had returned from a deployment not more
7       the collision on which the action is based:         8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of section         20       effect only if this Act receives a vote of three-fifths o         21       members elected to each house, as provided by Subsection (effect only         22       SECTION 3. Subchapter C, Chapter 72, Civil Prace         23       SECTION 3. Subchapter C, Chapter 72, Civil Prace         24       Remedies Code, as added by this Act, applies only to a	5 <u>t</u>	than six months earlier; or
8       (A) was driving while under the infl         9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no:         17       damages provided by Subchapter C, Chapter 72, Civil Prae         18       Remedies Code, as added by this Act, is an exercise of a section.         20       effect only if this Act receives a vote of three-fifths o         21       members elected to each house, as provided by Subsection (effect only if this Act receives a vote of three-fifths o         22       SECTION 3. Subchapter C, Chapter 72, Civil Prae         23       SECTION 3. Subchapter C, Chapter 72, Civil Prae         24       Remedies Code, as added by this Act, applies only to a	6	(3) damages caused by an individual who at the time of
9       alcohol or a controlled substance;         10       (B) caused the collision inten         11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for no:         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of the section 66(c), Article III, Texas Constitution, at a section 20         20       effect only if this Act receives a vote of three-fifths o section.         23       SECTION 3. Subchapter C, Chapter 72, Civil Prace         24       Remedies Code, as added by this Act, applies only to a	7 <u>t</u>	the collision on which the action is based:
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11       recklessly, or with gross negligence;         12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for nor         17       damages provided by Subchapter C, Chapter 72, Civil Pract         18       Remedies Code, as added by this Act, is an exercise of for         19       under Section 66(c), Article III, Texas Constitution, a         20       effect only if this Act receives a vote of three-fifths o         21       members elected to each house, as provided by Subsection (e         22       section.         23       SECTION 3. Subchapter C, Chapter 72, Civil Pract         24       Remedies Code, as added by this Act, applies only to a	9 <u>a</u>	alcohol or a controlled substance;
12       (C) improperly fled from the scene         13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for not         17       damages provided by Subchapter C, Chapter 72, Civil Prace         18       Remedies Code, as added by this Act, is an exercise of         19       under Section 66(c), Article III, Texas Constitution, a         20       effect only if this Act receives a vote of three-fifths o         21       members elected to each house, as provided by Subsection (e         22       section.         23       SECTION 3. Subchapter C, Chapter 72, Civil Prace         24       Remedies Code, as added by this Act, applies only to a	10	(B) caused the collision intentionally,
13       collision; or         14       (D) was acting in furtherance of an offer         15       immediate flight from an offense that constitutes a felony         16       SECTION 2. The limitation of liability for nor         17       damages provided by Subchapter C, Chapter 72, Civil Pradiate         18       Remedies Code, as added by this Act, is an exercise of section 66(c), Article III, Texas Constitution, and         20       effect only if this Act receives a vote of three-fifths of         21       members elected to each house, as provided by Subsection (expection)         22       section.         23       SECTION 3. Subchapter C, Chapter 72, Civil Prad         24       Remedies Code, as added by this Act, applies only to a	11 <u>1</u>	recklessly, or with gross negligence;
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17 damages provided by Subchapter C, Chapter 72, Civil Prace 18 Remedies Code, as added by this Act, is an exercise of a 19 under Section 66(c), Article III, Texas Constitution, a 20 effect only if this Act receives a vote of three-fifths o 21 members elected to each house, as provided by Subsection (e 22 section. 23 SECTION 3. Subchapter C, Chapter 72, Civil Prace 24 Remedies Code, as added by this Act, applies only to a	15 _	immediate flight from an offense that constitutes a felony.
18 Remedies Code, as added by this Act, is an exercise of 19 under Section 66(c), Article III, Texas Constitution, a 20 effect only if this Act receives a vote of three-fifths o 21 members elected to each house, as provided by Subsection (e 22 section. 23 SECTION 3. Subchapter C, Chapter 72, Civil Prace 24 Remedies Code, as added by this Act, applies only to a	16	SECTION 2. The limitation of liability for noneconomic
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24 Remedies Code, as added by this Act, applies only to a	22 s	section.
	23	SECTION 3. Subchapter C, Chapter 72, Civil Practice and
25 action that accrues on or after the effective date of this 2	24 I	Remedies Code, as added by this Act, applies only to a cause of
	25 a	action that accrues on or after the effective date of this Act.

26 SECTION 4. This Act takes effect September 1, 2025.

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