

By: Kolkhorst

S.B. No. 2755

A BILL TO BE ENTITLED

AN ACT

relating to damage liability for a collision with a motorist who failed to establish financial responsibility.

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

SECTION 1. Chapter 72, Civil Practice and Remedies Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. LIABILITY FOR COLLISION WITH CERTAIN MOTOR VEHICLE OWNERS AND OPERATORS

Sec. 72.101. DEFINITIONS. In this subchapter:

(1) "Financial responsibility" has the meaning assigned by Section 601.002, Transportation Code.

(2) "Noneconomic damages" means costs for physical and emotional pain and suffering, physical impairment, emotional distress, mental anguish, loss of enjoyment, loss of companionship, services, and consortium, and any other nonpecuniary loss proximately caused by a motor vehicle collision. The term does not include:

(A) treatment and rehabilitation;

(B) medical expenses;

(C) loss of economic or educational potential;

(D) loss of productivity;

(E) absenteeism;

(F) support expenses;

(G) accidents or injury; and

1 (H) any other pecuniary loss proximately caused
2 by a motor vehicle collision.

3 Sec. 72.102. PROHIBITED RECOVERY OF CERTAIN DAMAGES. (a)
4 Except as provided by Section 72.103, an individual may not recover
5 damages for bodily injury, death, or property damage or noneconomic
6 damages sustained as a result of a motor vehicle collision for which
7 the individual failed to establish financial responsibility in
8 accordance with Chapter 601, Transportation Code.

9 (b) Except as provided by Section 72.103, the personal
10 representative of an individual described by Subsection (a) who
11 died as a result of a motor vehicle collision may not recover
12 damages described by Subsection (a) in a wrongful death action
13 brought under Subchapter A, Chapter 71, for the individual's death.

14 Sec. 72.103. EXCEPTIONS. Section 72.102 does not apply to:

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
18 accordance with Chapter 601, Transportation Code, for a period of
19 not more than 45 days; and

20 (B) before the period described by Paragraph (A),
21 had continuously established financial responsibility in
22 accordance with Chapter 601, Transportation Code, for at least one
23 year;

24 (2) an individual who, at the time of the collision on
25 which the action is based:

26 (A) was a passenger in a vehicle and was not the
27 owner or operator of the vehicle for which financial responsibility

1 was not established;

2 (B) was a minor under the age of 18; or

3 (C) was an active-duty member of the armed forces
4 of the United States who had returned from a deployment not more
5 than six months earlier; or

6 (3) damages caused by an individual who at the time of
7 the collision on which the action is based:

8 (A) was driving while under the influence of
9 alcohol or a controlled substance;

10 (B) caused the collision intentionally,
11 recklessly, or with gross negligence;

12 (C) improperly fled from the scene of the
13 collision; or

14 (D) was acting in furtherance of an offense or in
15 immediate flight from an offense that constitutes a felony.

16 SECTION 2. The limitation of liability for noneconomic
17 damages provided by Subchapter C, Chapter 72, Civil Practice and
18 Remedies Code, as added by this Act, is an exercise of authority
19 under Section 66(c), Article III, Texas Constitution, and takes
20 effect only if this Act receives a vote of three-fifths of all the
21 members elected to each house, as provided by Subsection (e) of that
22 section.

23 SECTION 3. Subchapter C, Chapter 72, Civil Practice and
24 Remedies Code, as added by this Act, applies only to a cause of
25 action that accrues on or after the effective date of this Act.

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