CSSB 1007 House Amendments

Texas Association of Business
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		Amendments	
Bill Number & Sponsor	**Subject**	**Description**	**Status**
HB 4037 **Eiland** **SB 2160** **Harris**	Multidistrict Litigation	Claims based on an insurance contract or arising under Chapter 541 of the Insurance Code would not be subject to transfer by the judicial panel on multi-district litigation.	*05/06/2009 H Committee report sent to Calendars.* *03/31/2009 S Referred to State Affairs*
SB 1372 **Lucio** **HB 2784 (plus penalties)** **C. Turner**	Withdrawal	Relating to withdrawal and restriction plans for certain insurers.	*03/17/2009 S Referred to Business & Commerce.*
HB 173 **Homer**	Elected Commissioner	The commissioner is elected by the qualified voters at the general election for state and county officers for a term of four years.	*03/03/2009 H Left pending in committee.*
SB 264 **Hinojosa** **HB 3364** **Rose, Similar** **HB 3384** **Coleman, Similar**	Prior Approval	Relating to prior approval of residential property insurance rates of certain insurers.	*02/11/2009 S Referred to Business & Commerce.* *03/18/2009 H Referred to Insurance.* *03/18/2009 H Referred to Insurance.*
HB 2733 **Smithee**	Prerequisite to Recovery	An insurer may not require, as a prerequisite to asserting a claim under uninsured or underinsured motorist coverage, a judgment or other legal determination establishing the other motorist's liability or uninsured or underinsured status.	*03/24/2009 H Left pending in committee.*
SB 110	Credit Scoring	Relating to prohibition of the use of credit	*02/10/2009 S Referred to*

Ellis		scoring in underwriting and rating certain personal lines of insurance coverage.	*Business & Commerce.*
HB 4658 **Martinez-Fischer (second half of bill.)**	Standard Forms	The commissioner shall adopt standard insurance policy forms, printed endorsement forms, and related forms other than insurance policy forms and printed endorsement forms, an insurer shall use in addition to the insurer's own forms in writing insurance subject to this subchapter.	*03/26/2009 H Referred to Insurance.*
HB 4095 **Eiland**	Subrogation	A health benefit plan that provides that the plan issuer has a right of recovery from a third party for injury suffered by a covered individual, whether by subrogation, reassignment, or reimbursement: must provide that the right of recovery is subordinate to the covered individual's right to be fully compensated for damages incurred; and must obligate the plan issuer to share in the legal expenses incurred by the covered individual in obtaining recovery from a third party to the same extent that the issuer shares in any recovery from the third party. The health benefit plan issuer may not pursue a right of subrogation against a covered individual's first party coverage.	*05/05/2009 H Committee report sent to Calendars.*
		No stand-alone bills currently found for the following amendments:	
Modifies Section 541.152 (a)(1), Texas Insurance Code	Recovery in civil actions	The Statute currently reads: -Sec. 541.152. DAMAGES, ATTORNEY'S FEES, AND OTHER RELIEF. (a) A plaintiff	

		who prevails in an action under this subchapter may obtain:(1) the amount of actual damages, plus court costs and reasonable and necessary attorney's fees; (2) an order enjoining the act or failure to act complained of; or (3) any other relief the court determines is proper. (b) On a finding by the trier of fact that the defendant knowingly committed the act complained of, the trier of fact may award an amount not to exceed three times the amount of actual damages. -Amendment would add “policy benefits and other” before actual damages.	
Adds Section 561.001, Texas Insurance Code	Paid/Incurred	Sec. 561.001 Health Insurance Responsibility. Notwithstanding other law, an individual who has purchased or acquired health insurance benefits, or who is entitled to receive health insurance benefits because of employment, governmental program, or relationship to another person or entity that provides health insurance benefits shall be entitled to recover the value of reasonable medical expenses, in any civil action, without regard to any discount by virtue of having health insurance benefits.	

		Anticipating the following amendments to be laid out:	
HB 2750 **Eiland** **SB 1257** **Averitt**	Regulation of Health Benefit plans	Relating to the regulation of certain market conduct activities of certain life, accident, and health insurers and health benefit plan issuers.	*05/05/2009 H Left pending in committee.* *05/05/2009 H Received from the Senate.*
HB 223 **Eiland** **SB 714** **Van De Putte**	Provider discounts	Relating to regulation of the secondary market in certain physician and health care provider discounts.	*03/10/2009 H Left pending in committee.* *02/25/2009 S Referred to State Affairs.*