

THOUGHT LEADERSHIP

News

LEGISLATIVE UPDATE: TWIA DAMAGE-LIMITATION BILL CLEARS HOUSE; SENATOR OFFERS BILL TO ELIMINATE THE AGENCY

Newsbrief

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Last week, the Texas House of Representatives approved a bill that would limit TWIA's vulnerability in a lawsuit to actual damages, court costs, and some attorney's fees, and eliminate treble damages in TWIA cases. The legislation also contains a provision whereby a committee of Texas judges would assign the judges to hear TWIA lawsuits, a response to concerns that homeowners might enjoy home-court advantage with locally-elected judges. Having passed the House on Thursday, the bill now awaits the consideration of the state Senate.

In the Senate, meanwhile, a bill was filed on Thursday that would eliminate TWIA entirely. SB44, offered by Senator Troy Fraser of Horseshoe Bay, Texas, would require the TWIA commissioner to adopt a plan for the Association to cease all operations. Nineteen other senators co-signed the legislation. However, the Bill has only just been introduced, and has yet to be referred to committee, so its likelihood of success is uncertain at this point.