

1-1 By: Middleton S.B. No. 1393  
 1-2 (In the Senate - Filed March 1, 2023; March 16, 2023, read  
 1-3 first time and referred to Committee on Business & Commerce;  
 1-4 April 28, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 28, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1393 By: Middleton

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to eligibility for coverage by the Fair Access to  
 1-24 Insurance Requirements Plan in certain areas.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 2211.151, Insurance Code, is amended to  
 1-27 read as follows:

1-28 Sec. 2211.151. MANDATORY COVERAGE PROVIDED TO CERTAIN  
 1-29 INSUREDS. (a) The association shall make residential property  
 1-30 insurance available to each applicant in an underserved area whose  
 1-31 property is insurable in accordance with reasonable underwriting  
 1-32 standards but who, after diligent efforts, is unable to obtain  
 1-33 residential property insurance through the voluntary market, as  
 1-34 evidenced by two declinations from insurers authorized to engage in  
 1-35 the business of, and writing, residential property insurance in  
 1-36 this state.

1-37 (b) For residential properties in the area surrounding, but  
 1-38 not located more than four miles beyond, the Texas Windstorm  
 1-39 Insurance Association catastrophe area designated under Section  
 1-40 2210.005, an offer of coverage for the property through the  
 1-41 voluntary market at a cost that exceeds 110 percent of the cost for  
 1-42 an association policy providing substantially equivalent coverage  
 1-43 of residential property with similar rating characteristics,  
 1-44 including size, elevation, age, and construction standards, is  
 1-45 considered a declination for purposes of establishing eligibility  
 1-46 for coverage under Subsection (a).

1-47 SECTION 2. This Act takes effect immediately if it receives  
 1-48 a vote of two-thirds of all the members elected to each house, as  
 1-49 provided by Section 39, Article III, Texas Constitution. If this  
 1-50 Act does not receive the vote necessary for immediate effect, this  
 1-51 Act takes effect September 1, 2023.

1-52 \* \* \* \* \*