

Amend CSSB 14 as follows:

SECTION 1. Art. 1.15, Texas Insurance Code, is amended by adding a new Section 11 as follows:

Sec. 11. (a) The Department shall review any insurer or group of insurers licensed to write private passenger automobile or residential property insurance in this state for purposes of ascertaining the business practices, performance, and operations of an insurer. Insurers shall make available to the Department for review or duplication all papers, books, records, documents, files, or other relevant information.

(b) The review shall be independent of the examination of financial condition of the insurer, and include but not be limited to advertising, trade, rating, claim, underwriting, and other practices, performance, or operations not wholly related to the financial solvency of an insurer.

(c) For insurers with a market share greater than five percent in either private passenger automobile or residential property insurance, the Department shall conduct a review no less than every twelve months. For insurers with a market share less than or equal to five percent in either private passenger automobile or residential property insurance, the Department shall conduct a review no less than every two years. The period between reviews shall begin on the completion of the previous review under this Section. Market share shall be determined by the most recent four consecutive calendar quarters for which market share data is available.

(d) The Department may conduct non-financial and financial reviews of an insurer under this Article simultaneously. The review shall result in distinct and separate reports on financial practices, performance and operations and on nonfinancial practices, performance and operations.

(e) The Department shall publish a schedule of mandatory reviews no later than September 1 of each year for the upcoming twelve-month period. The schedule shall not preclude the Department from conducting reviews on a more frequent basis. To the greatest extent possible, the Department shall notify an insurer of an upcoming review not on the published schedule, unless there is

probable and documented cause for a known violation of this Code and notification may result in the possible destruction or alteration of information subject to review under this Article.

(f) This Section shall not be construed to be exclusive authority or limit reviews, reports, or remedies in any manner. All other provisions of this Code or any other law are in addition to, and shall be harmonized with, the provisions of this Section.

SECTION 2. The Department shall publish the schedule for reviews under Sec. 11, Art. 1.15, Texas Insurance Code, no later than 90 days after the effective date of this Act. All initial reviews shall be completed in accordance with the schedule published by the Commissioner.