

Amend CSSB 14, committee printing, as follows:

On page 13, strike lines 13-22 through page 14, line 14-53, and substitute the following:

ARTICLE 5. REGULATION OF UNDERWRITING GUIDELINES

SECTION 5.01. Subchapter A, Chapter 38, Insurance Code, is amended by amending Section 38.002 to read as follows:

Sec. 38.002. UNDERWRITING GUIDELINES

[~~CONFIDENTIALITY~~]. (a) In this section, "underwriting guideline" means a rule, standard, guideline, or practice, whether written, oral, or electronic, that is used by an insurer or its agent to decide whether to accept or reject an application for coverage or to determine how to classify those risks that are accepted for the purposes of determining a rate.

(b) Each insurer shall file a copy of the insurer's underwriting guidelines with the [The] department [or the office of public insurance counsel may obtain a copy of an insurer's underwriting guidelines]. The insurer shall update its filing each time the underwriting guidelines are changed.

(c)[b-] Underwriting guidelines, as of the date the filing is received by the department:

(1) are public information;

(2) are not subject to any exceptions to disclosure under Chapter 552, Texas Government Code; and

(3) cannot be withheld from disclosure under any other law. [are confidential, and the department or the office of public insurance counsel may not make the guidelines available to the public.]

[(c) The department or the office of public insurance counsel may disclose to the public a summary of an insurer's underwriting guidelines in a manner that does not directly or indirectly identify the insurer.

[(d) When underwriting guidelines are furnished to the department or the office of public insurance counsel, only a person within the department or the office of public insurance counsel with a need to know may have access to the guidelines. The department and the office of public insurance counsel shall establish internal control systems to limit access to the guidelines and shall keep records of the access provided.

[(e) This section does not preclude the use of underwriting guidelines as evidence in prosecuting a violation of this code. Each copy of an insurer's underwriting guidelines that is used in prosecuting a violation is presumed to be confidential and is subject to a protective order until all appeals of the case have been exhausted. If an insurer is found, after the exhaustion of all appeals, to have violated this code, a copy of the underwriting guidelines used as evidence of the violation is no longer presumed to be confidential.

[(f) a violation of this section is a violation of Chapter 552, Government Code.]

SECTION 5.02. Section 552.110 Government Code, is amended

by adding Subsection (c) to read as follows:

(c) An insurance underwriting guideline is not a trade secret for purposes of this section.