

By: Thompson

H.B. No. 1243

A BILL TO BE ENTITLED

1 AN ACT

2 relating to compensation of insurance agents by small employer  
3 health benefit plan carriers.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 26.72, Insurance Code, is amended by  
6 amending Subsection (c) and adding Subsection (e) to read as  
7 follows:

8 (c) Subsection (b) of this article does not apply to an  
9 arrangement that provides compensation to an agent on the basis of  
10 percentage of premium, provided that:

11 (1) the percentage may not vary because of health  
12 status or claim experience; and

13 (2) the small employer carrier does not:

14 (A) exclude any additional premium charged to the  
15 small employer because of health status or claims experience from  
16 the premium amount to which the percentage is applied; or

17 (B) apply a smaller percentage to any additional  
18 premium charged to the small employer because of health status or  
19 claims experience than is applied to other premiums charged to the  
20 small employer.

21 (e) A small employer carrier may not use an agent  
22 compensation schedule that provides compensation in a specific  
23 dollar amount for each individual covered during a specified period  
24 or for each group of individuals covered during a specified period.

1           SECTION 2. The change in law made by this Act applies only  
2 to a compensation agreement entered into by a small employer  
3 carrier and an agent on or after the effective date of this Act. A  
4 compensation agreement entered into before the effective date of  
5 this Act is governed by the law in effect immediately before that  
6 date, and that law is continued in effect for that purpose.

7           SECTION 3. This Act takes effect September 1, 2003.