

By: Deshotel

H.B. No. 67

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the determination of certain catastrophe areas eligible
3 for insurance coverage through the Texas Windstorm Insurance
4 Association.

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

6 SECTION 1. Section 3(h), Article 21.49, Insurance Code, is
7 amended to read as follows:

8 (h) "Catastrophe Area" means a city or a part of a city or a
9 county or a part of a county in which it may be determined by the
10 commissioner, after notice of not less than 10 days and a hearing,
11 that windstorm and hail insurance is not reasonably available to a
12 substantial number of owners of insurable property within that city
13 or a part of that city or a county or a part of that county, due to
14 such insurable property being located within a city or a part of
15 that city or a county or a part of that county that is subject to
16 unusually frequent and severe damage resulting from windstorms
17 and/or hailstorms. Such designation shall be revoked by the
18 commissioner if the commissioner determines, after notice of not
19 less than 10 days and a hearing, that windstorm and hail insurance
20 in such catastrophe area is no longer reasonably unavailable to a
21 substantial number of owners of insurable property within such
22 designated city or a part of that city or county or a part of that
23 county. If the Association shall determine that windstorm and hail
24 insurance is no longer reasonably unavailable to a substantial

1 number of owners of insurable property in any designated
2 catastrophe area or areas, then the Association may request in
3 writing that the commissioner revoke the designation of any or all
4 of such catastrophe areas and, after notice of not less than 10 days
5 and a hearing, but within 30 days of such hearing, the commissioner
6 shall either approve or reject the Association's request and shall,
7 if such request be approved, revoke such designation or
8 designations. In addition to any other county or part of a county
9 determined by the commissioner to be a catastrophe area for
10 purposes of this Act, each county defined as a "first tier coastal
11 county" under this Act is a catastrophe area.

12 SECTION 2. Section 3(1), Article 21.49, Insurance Code, is
13 amended to read as follows:

14 (1) "First Tier Coastal County" means:

- 15 (1) Aransas County;
- 16 (2) Brazoria County;
- 17 (3) Calhoun County;
- 18 (4) Cameron County;
- 19 (5) Chambers County;
- 20 (6) Galveston County;
- 21 (7) Jefferson County;
- 22 (8) Kenedy County;
- 23 (9) Kleberg County;
- 24 (10) Matagorda County;
- 25 (11) Nueces County;
- 26 (12) Refugio County;
- 27 (13) San Patricio County; [~~or~~]

1 (14) Willacy County; or

2 (15) Orange County.

3 SECTION 3. Section 3(m), Article 21.49, Insurance Code, is
4 amended to read as follows:

5 (m) "Second Tier Coastal County" means:

6 (1) Bee County;

7 (2) Brooks County;

8 (3) Fort Bend County;

9 (4) Goliad County;

10 (5) Hardin County;

11 (6) Harris County;

12 (7) Hidalgo County;

13 (8) Jackson County;

14 (9) Jim Wells County;

15 (10) Liberty County;

16 (11) Live Oak County;

17 (12) [~~Orange County,~~

18 [~~(13)~~] Victoria County; or

19 (13) [~~(14)~~] Wharton County.

20 SECTION 4. This Act applies only to an insurance policy that
21 is delivered, issued for delivery, or renewed on or after the 30th
22 day after the effective date of this Act. A policy that is
23 delivered, issued for delivery, or renewed before the 30th day
24 after the effective date of this Act is governed by the law as it
25 existed immediately before the 30th day after the effective date of
26 this Act, and that law is continued in effect for that purpose.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2006.