

Amend SB 99 (House Committee Printing) by inserting the following appropriately numbered SECTIONS of the bill and renumbering subsequent SECTIONS accordingly:

SECTION _____. The heading to Subtitle F, Title 5, Insurance Code, is amended to read as follows:

SUBTITLE F. INSURANCE FRAUD AND IDENTITY THEFT

SECTION _____. Subtitle F, Title 5, Insurance Code, is amended by adding Chapter 706 to read as follows:

CHAPTER 706. IDENTITY THEFT INSURANCE

Sec. 706.001. DEFINITIONS. (a) The definitions adopted under Article 5.13-2 apply to this chapter.

(b) In this chapter, "identity theft" means a criminal offense described by Section 32.51, Penal Code, or a substantially similar federal law or law in another state.

Sec. 706.002. COVERAGE AUTHORIZED. (a) An insurer authorized to write property and casualty insurance in this state may offer and issue insurance coverage for a loss suffered by a policyholder as a result of the policyholders' being a victim of identity theft or attempted identity theft.

(b) Coverage authorized by Subsection (a) may be:

(1) offered as a separate insurance policy or as a rider or endorsement to:

(A) a residential and commercial property insurance policy; or

(B) a personal or commercial casualty insurance policy; and

(2) underwritten and issued as an individual or group insurance policy.

Sec. 706.003. ELIGIBLE POLICYHOLDERS. (a) An insurer may issue coverage authorized under Section 706.002 to:

(1) an individual; or

(2) a group, business, employer, association, trustee, or other entity for the benefit of its members, customers, employees, members, or beneficiaries.

(b) An entity described by Subsection (a)(2) may be a group that:

(1) is formed solely for the purpose of obtaining

insurance coverage under this chapter; or

(2) has already been formed for a purpose other than for obtaining insurance coverage under this chapter and that is described by Subsection (a)(2).

Sec. 706.004. RATES AND FORMS. Notwithstanding any other law, rates and forms for insurance coverage issued under this chapter are governed by Article 5.13-2.

Sec. 706.005. RULES. The commissioner may adopt rules as necessary to implement this article.

SECTION _____. Section 2(a), Article 5.13-2, Insurance Code, is amended to read as follows:

(a) This article applies to all lines of the following insurance written under policies or contracts of insurance issued by an insurer authorized to engage in the business of insurance in this state:

- (1) general liability insurance;
- (2) commercial property insurance, including farm and ranch insurance and farm and ranch owners insurance;
- (3) personal and commercial casualty insurance, except as provided by Subsection (b) of this section;
- (4) medical professional liability insurance;
- (5) fidelity and surety bonds other than criminal court appearance bonds;
- (6) personal umbrella insurance;
- (7) personal liability insurance;
- (8) guaranteed auto protection (GAP) insurance;
- (9) involuntary unemployment insurance;
- (10) financial guaranty insurance;
- (11) inland marine insurance;
- (12) rain insurance;
- (13) hail insurance on farm crops; [and]
- (14) commercial automobile insurance; and
- (15) identity theft insurance coverage issued under Chapter 706.