

By: Rose

H.J.R. No. 91

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the affordability
2 and adequacy of rates for certain lines of personal insurance in
3 this state.

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

5 SECTION 1. Article XVI, Texas Constitution, is amended by
6 adding Section 73 to read as follows:

7 Sec. 73. (a) Consumers in this state are entitled to
8 residential property insurance coverage and personal automobile
9 insurance coverage that are affordable and that protect consumers
10 against unforeseen losses. Consumers are further entitled to
11 exercise their coverage options under residential property
12 insurance policies and personal automobile insurance policies
13 without being penalized by insurers for exercising those options.

14 (b) Insurers that write residential property insurance and
15 personal automobile insurance in this state are entitled to a
16 reasonable, fair, and adequate profit margin on residential
17 property insurance policies and personal automobile insurance
18 policies written in this state and to protection from being forced
19 to charge rates that are confiscatory. Insurers that write
20 residential property insurance and personal automobile insurance
21 in this state, however, may not use rates for residential property
22 insurance or personal automobile insurance that are excessive,
23 inadequate, unreasonable, or unfairly discriminatory for the risks
24 to which the rates apply.

1 SECTION 2. This proposed constitutional amendment shall be
2 submitted to the voters at an election to be held November 8, 2005.
3 The ballot shall be printed to permit voting for or against the
4 proposition: "The constitutional amendment to ensure affordable,
5 adequate insurance rates for residential property insurance and
6 personal automobile insurance coverage in this state."