

By: Deshotel

H.B. No. 579

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to coverage under residential property insurance policies  
3 for certain losses incurred because of compliance with an emergency  
4 evacuation order.

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

6 SECTION 1. Subchapter A, Chapter 2002, Insurance Code, as  
7 added by Chapter 727, Acts of the 79th Legislature, Regular  
8 Session, 2005, and effective April 1, 2007, is amended by adding  
9 Section 2002.007 to read as follows:

10 Sec. 2002.007. COVERAGE FOR LOSSES INCURRED AS A RESULT OF  
11 COMPLIANCE WITH EMERGENCY EVACUATION ORDER. (a) In this section:

12 (1) "Disaster" means the occurrence or imminent threat  
13 of widespread or severe damage, injury, or loss of life or property  
14 that results from a natural or man-made cause, including fire,  
15 flood, earthquake, wind, storm, wave action, oil spill or other  
16 water contamination, volcanic activity, epidemic, air  
17 contamination, blight, drought, infestation, explosion, riot,  
18 hostile military or paramilitary action, or other public calamity  
19 requiring emergency action, or an energy emergency.

20 (2) "Emergency evacuation order" means an official  
21 statement issued by the governing body of this state or a political  
22 subdivision of this state to recommend the evacuation of all or part  
23 of the population of an area stricken or threatened with a disaster.  
24 The term includes a declaration of local disaster under Section

1 418.108, Government Code.

2 (3) "Insurer" means an insurer authorized to write  
3 residential property insurance, including:

4 (A) a county mutual insurance company;

5 (B) a farm mutual insurance company;

6 (C) a Lloyd's plan; and

7 (D) a reciprocal or interinsurance exchange.

8 (4) "Political subdivision" means a county,  
9 municipality, special district, or authority of this state.

10 (5) "Residential property insurance" means property  
11 or property and casualty insurance covering a dwelling, including:

12 (A) homeowners insurance;

13 (B) residential fire and allied lines insurance;

14 (C) farm and ranch insurance; and

15 (D) farm and ranch owners insurance.

16 (b) A residential property insurance policy delivered or  
17 issued for delivery by an insurer must provide coverage that  
18 complies with this section for loss incurred as a result of  
19 compliance with an emergency evacuation order applicable to the  
20 covered property.

21 (c) The coverage required by this section must provide a  
22 payment for each day or part of a day that the evacuation order is in  
23 effect. The commissioner by rule shall determine the terms and  
24 conditions and applicable limits of the required coverage and the  
25 amount of the required payment.

26 SECTION 2. This Act applies only to an insurance policy that  
27 is delivered, issued for delivery, or renewed on or after the 90th

1 day after the effective date of this Act. A policy that is  
2 delivered, issued for delivery, or renewed before the 90th day  
3 after the effective date of this Act is governed by the law as it  
4 existed immediately before the effective date of this Act, and that  
5 law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives  
7 a vote of two-thirds of all the members elected to each house, as  
8 provided by Section 39, Article III, Texas Constitution. If this  
9 Act does not receive the vote necessary for immediate effect, this  
10 Act takes effect on the 91st day after the last day of the  
11 legislative session.