

By: Deshotel

H.B. No. 582

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 2210.003(3), (4), and (11), Insurance Code, are amended to read as follows:

(3) "Catastrophe area" means:

(A) a first tier coastal county; or

(B) a municipality, a part of a municipality, a county, or a part of a county designated by the commissioner under Section 2210.005.

(4) "First tier coastal county" means:

(A) Aransas County;

(B) Brazoria County;

(C) Calhoun County;

(D) Cameron County;

(E) Chambers County;

(F) Galveston County;

(G) Jefferson County;

(H) Kenedy County;

(I) Kleberg County;

(J) Matagorda County;

(K) Nueces County;

- (L) Orange County;
- (M) Refugio County;
- (N) [~~(M)~~] San Patricio County; or
- (O) [~~(N)~~] Willacy County.

(11) "Second tier coastal county" means:

- (A) Bee County;
- (B) Brooks County;
- (C) Fort Bend County;
- (D) Goliad County;
- (E) Hardin County;
- (F) Harris County;
- (G) Hidalgo County;
- (H) Jackson County;
- (I) Jim Wells County;
- (J) Liberty County;
- (K) Live Oak County;
- (L) [~~Orange County,~~
- [~~(M)~~] Victoria County; or
- (M) [~~(N)~~] Wharton County.

SECTION 2. Section 2210.251, Insurance Code, is amended by amending Subsections (d) and (e) and adding Subsection (e-1) to read as follows:

(d) A structure is insurable property eligible for windstorm and hail insurance coverage from the association without compliance with the inspection or approval requirements of this section or the plan of operation if the structure:

(1) was constructed, [or] repaired, or is a structure

1 to which additions were made before January 1, 1988, and ~~[that]~~ is
2 located in an area that was governed at the time of the
3 construction, repair, or addition by a building code recognized by
4 the association; or

5 (2) effective September 1, 2007, is located in a first
6 tier coastal county and was constructed, repaired, or is a
7 structure to which additions were made on or after January 1, 1988,
8 but before January 1, 2008, in an area covered at the time by a
9 building code recognized by the association ~~[is insurable property~~
10 ~~eligible for windstorm and hail insurance coverage from the~~
11 ~~association without compliance with the inspection or approval~~
12 ~~requirements of this section or the plan of operation]~~.

13 (e) A structure ~~[constructed or repaired or to which~~
14 ~~additions were made before January 1, 1988, that is]~~ located in an
15 area not governed by a building code recognized by the association
16 is insurable property eligible for windstorm and hail insurance
17 coverage from the association without compliance with the
18 inspection or approval requirements of this section or the plan of
19 operation if the structure was previously insured by an insurer
20 authorized to engage in the business of insurance in this state and
21 the structure is in essentially the same condition as when
22 previously insured, except for normal wear and tear, and is without
23 any structural change other than a change made according to code if
24 the structure:

25 (1) was constructed, repaired, or is a structure to
26 which additions were made before January 1, 1988; or

27 (2) effective September 1, 2007, is located in a first

1 tier coastal county and was constructed, repaired, or is a
2 structure to which additions were made on or after January 1, 1988,
3 but before January 1, 2008.

4 (e-1) For purposes of Subsection (e) [~~this subsection~~],
5 evidence of previous insurance coverage includes:

- 6 (1) a copy of a previous insurance policy;
7 (2) copies of canceled checks or agent's records that
8 show payments for previous policies; and
9 (3) a copy of the title to the structure or mortgage
10 company records that show previous policies.

11 SECTION 3. This Act applies only to an insurance policy that
12 is delivered, issued for delivery, or renewed on or after January 1,
13 2008. A policy that is delivered, issued for delivery, or renewed
14 before January 1, 2008, is governed by the law as it existed
15 immediately before the effective date of this Act, and that law is
16 continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2007.