

By: Davis of Dallas

H.B. No. 1459

A BILL TO BE ENTITLED

AN ACT

relating to the right of certain insurance policyholders to choose an agent.

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

SECTION 1. Subtitle A, Title 13, Insurance Code, is amended by adding Chapter 4008 to read as follows:

CHAPTER 4008. RIGHT OF CERTAIN POLICYHOLDERS TO CHOOSE AGENTS

Sec. 4008.001. DEFINITION. In this chapter, "personal insurance" means:

(1) a personal automobile insurance policy;

(2) a residential property insurance policy;

(3) a residential fire and allied lines insurance policy; or

(4) a noncommercial insurance policy covering a boat, personal watercraft, snowmobile, or recreational vehicle.

Sec. 4008.002. APPLICABILITY OF CHAPTER. This chapter applies to an insurance company authorized to engage in the business of personal insurance in this state.

Sec. 4008.003. RIGHT TO CHOOSE AGENT. In a form prescribed by the commissioner, an insurance company to which this chapter applies shall notify an insured not later than the 30th day after the date on which the agent who is primarily responsible for administering the insured's policy ceases to be responsible for that policy. At a minimum, the notice must include:

1           (1) a statement informing the insured that the insured  
2 has the right to select, from a list of available agents, if  
3 applicable, the agent who will be primarily responsible for the  
4 insured's policy;

5           (2) a list of the names, business addresses, and  
6 telephone numbers of agents available to administer the insured's  
7 account in the insured's geographical area, as defined by rule by  
8 the commissioner;

9           (3) a description of the procedure by which the  
10 insured may select an agent; and

11           (4) the name, office address, and telephone number of  
12 the agent who will be primarily responsible for administering the  
13 insured's policy until the insured selects an agent.

14           SECTION 2. This Act applies only to an insurance policy that  
15 is delivered, issued for delivery, or renewed on or after January 1,  
16 2010. A policy delivered, issued for delivery, or renewed before  
17 January 1, 2010, is governed by the law as it existed immediately  
18 before the effective date of this Act, and that law is continued in  
19 effect for that purpose.

20           SECTION 3. This Act takes effect September 1, 2009.