

AN ACT

relating to a specialty insurance agent license for certain vendors of portable electronic devices.

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

SECTION 1. Subchapter F, Chapter 4055, Insurance Code, is amended to read as follows:

SUBCHAPTER F. PORTABLE ELECTRONIC [~~TELECOMMUNICATIONS EQUIPMENT~~]
VENDOR LICENSE

Sec. 4055.251. DEFINITIONS. In this subchapter:

(1) "Customer" means a person who purchases a portable electronic device or a related service [~~telecommunications equipment in a retail sales transaction~~].

(2) "Portable electronic devices" means personal, self-contained, easily carried by an individual, battery-operated electronic communication, viewing, listening, recording, gaming, computing or global positioning devices, including cell or satellite phones, pagers, personal global positioning satellite units, portable computers, portable audio listening, video viewing or recording devices, digital cameras, video camcorders, portable gaming systems, docking stations, automatic answering devices, and other similar devices and their accessories [~~"Telecommunications equipment" includes handsets, pagers, automatic answering devices, batteries, and other devices used to originate or receive wireless communications exclusive of cordless, wireline communications~~].

1 (3) "Vendor" means a person or entity engaged in the
2 business of leasing, selling, or providing portable electronic
3 devices or related services to customers.

4 Sec. 4055.252. ISSUANCE OF LICENSE; LICENSE FEE. (a)
5 Notwithstanding any other provision of this chapter or this code,
6 the commissioner may issue a specialty license to a [~~retail~~] vendor
7 [~~of telecommunications equipment~~] who complies with this
8 subchapter. The specialty license may be issued only for the
9 limited purposes specified by this subchapter.

10 (b) A specialty license issued to a vendor under this
11 subchapter authorizes the vendor and any employee or authorized
12 representative of the vendor to offer the type of coverage
13 specified in this subchapter at each location at which the vendor
14 engages in business.

15 (c) The commissioner shall impose an annual license fee for
16 a specialty license issued under this subchapter. The commissioner
17 shall set the license fee in an amount reasonable and necessary to
18 cover the costs of administering this subchapter, not to exceed
19 \$5,000.

20 Sec. 4055.253. AUTHORITY OF [~~RETAIL~~] VENDOR OF PORTABLE
21 ELECTRONIC DEVICES [~~TELECOMMUNICATIONS EQUIPMENT~~]. A [~~retail~~]
22 vendor [~~of telecommunications equipment~~] licensed under this
23 subchapter and the vendor's employee and authorized representative
24 [~~chapter~~] may act as an agent for an authorized insurer [~~only~~]

25 [~~(1)~~] in connection with the sale and use of portable
26 electronic devices and related services only [~~telecommunications~~
27 ~~equipment, and~~

1 ~~[(2)]~~ with respect to:

2 (1) ~~[(A)]~~ insurance coverage provided to customers
3 that covers portable electronic devices against one or more of the
4 following:

5 (A) loss;

6 (B) theft;

7 (C) mechanical failure;

8 (D) malfunction;

9 (E) damage; or

10 (F) other applicable perils ~~[for the loss or~~
11 ~~malfunction of or damage to telecommunications equipment]~~; or

12 (2) the provision of ~~[(B)]~~ any other coverage the
13 commissioner approves as meaningful and appropriate in connection
14 with the use of portable electronic devices or related services
15 [~~telecommunications equipment~~].

16 Sec. 4055.254. INSURANCE POLICY; REQUIREMENTS. (a)
17 Insurance provided under this subchapter may be issued to a
18 licensed vendor under a master or group policy of personal or
19 commercial inland marine insurance. A customer may be designated
20 as an additional insured or certificate holder under the policy.

21 (b) A licensed vendor shall provide to each customer
22 designated as an additional insured or certificate holder a
23 coverage form, certificate, or other evidence of coverage in a
24 brochure or separate document.

25 Sec. 4055.255. REQUIRED TRAINING. (a) Notwithstanding
26 Section 4055.012, an agent who holds a license issued under Chapter
27 4051 or a substantially equivalent license issued under this code

1 and who is appointed by the insurer that insures a vendor may:

2 (1) provide the materials for the training program
3 required under Section 4055.012; and

4 (2) conduct the applicable training.

5 (b) An agent described by Subsection (a) shall submit the
6 training program materials for approval as required under Section
7 4055.012(c).

8 SECTION 2. The commissioner of insurance shall, by rule,
9 establish a procedure under which a person holding a license as a
10 telecommunications equipment vendor specialty agent that was
11 issued under Subchapter F, Chapter 4055, Insurance Code, as it
12 existed before amendment by this Act, may convert that license to a
13 portable electronic device vendor specialty agent license under
14 Subchapter F, Chapter 4055, Insurance Code, as amended by this Act,
15 without further qualification. The rules may establish a reasonable
16 period for the agent to comply with Section 4055.254, Insurance
17 Code, as added by this Act.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 2569 was passed by the House on April 15, 2009, by the following vote: Yeas 147, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2569 was passed by the Senate on May 13, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor