

By: Torres

H.B. No. 3148

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the issuance of windstorm and hail insurance policies  
3 by the Texas Windstorm Insurance Association for property located  
4 in certain flood zones.

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

6 SECTION 1. Section 2210.203, Insurance Code, is amended by  
7 amending Subsection (a-1) and adding Subsection (a-2) to read as  
8 follows:

9 (a-1) This subsection applies [~~only~~] to any [~~a~~] structure  
10 that, on or after September 1, 2011, is constructed or is [~~r~~]  
11 altered, remodeled, or enlarged at a cost that is 50 percent or more  
12 of the appraised fair market value of the structure [~~on or after~~  
13 ~~September 1, 2009, and only for insurable property located in areas~~  
14 ~~designated by the commissioner~~]. Notwithstanding Subsection (a),  
15 if all or any part of the property to be insured by the association  
16 [~~which this subsection applies~~] is located in Zone V or another  
17 similar zone with an additional hazard associated with storm waves,  
18 as defined by the National Flood Insurance Program, [~~and if flood~~  
19 ~~insurance under that federal program is available,~~] the association  
20 may not issue an insurance policy for initial or renewal coverage  
21 unless evidence is submitted to the association that the property  
22 to be covered under the policy is also covered by a flood insurance  
23 policy issued under the National Flood Insurance Program. This  
24 subsection does not apply to property for which flood insurance is

1 not available under the National Flood Insurance Program [~~is~~  
2 ~~submitted to the association~~].

3 (a-2) An agent offering or selling a Texas windstorm and  
4 hail insurance policy [~~in any area designated by the commissioner~~  
5 ~~under this subsection~~] shall offer flood insurance coverage  
6 required under Subsection (a-1) to a pro prospective insured, if  
7 that coverage is available.

8 SECTION 2. Section 2210.203(a-1), Insurance Code, as  
9 amended by this Act, and Section 2210.203(a-2), Insurance Code, as  
10 added by this Act, apply only to a Texas windstorm and hail  
11 insurance policy delivered, issued for delivery, or renewed by the  
12 Texas Windstorm Insurance Association on or after October 1, 2011.  
13 A Texas windstorm and hail insurance policy delivered, issued for  
14 delivery, or renewed by the Texas Windstorm Insurance Association  
15 before October 1, 2011, is governed by the law in effect on the date  
16 the policy was delivered, issued for delivery, or renewed, and the  
17 former law is continued in effect for that purpose.

18 SECTION 3. This Act takes effect September 1, 2011.