

**House Bill 3117**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle C, Title 5, Insurance Code, is amended by adding Chapter 563 to read as follows:

**CHAPTER 563. PRACTICES RELATING TO CLAIMS REPORTING**

Sec. 563.001. DEFINITIONS. In this chapter:

(1) "Claims database" means a database used by insurers to share, among insurers, insureds' claims histories or damage reports concerning covered properties.

(2) "Insurer," "personal automobile insurance," and "residential property insurance" have the meanings assigned by Section 2254.001.

SENATE VERSION (CS)

SECTION 1. Subtitle C, Title 5, Insurance Code, is amended by adding Chapter 561 to read as follows:

**CHAPTER 561. PROHIBITED RATING PRACTICES**

Sec. 561.001. DEFINITIONS. For the purposes of this chapter:

(1) "Customer inquiry" means a telephone call or other communication made to an insurer that does not result in an investigation or claim and that is in regard to the general terms or conditions of or coverage offered under an insurance policy. The term includes a question concerning the process for filing a claim and whether a policy will cover a loss unless the question concerns specific damage that has occurred and results in an investigation or claim.

(2) "Personal automobile insurance" has the meaning assigned by Section 38.002.

(3) "Residential property insurance" has the meaning assigned by Section 38.002.

(4) "Claims database" means a database used by insurers to share, among insurers, insureds' claims histories or damage reports concerning covered properties.

Sec. 561.002. APPLICABILITY. This chapter applies only to residential property insurance and personal automobile insurance, including an insurance policy written by a county mutual insurance company.

Sec. 561.003. CONSIDERATION OF CUSTOMER INQUIRIES PROHIBITED. An insurer may not base, wholly or partly, an adverse underwriting or rating decision on a customer inquiry or report such an inquiry to a claims

CONFERENCE

**House Bill 3117**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Sec. 563.002. REPORTING TO CLAIMS DATABASE. An insurer or an insurer's agent may not report to a claims database information regarding an inquiry by an insured regarding coverage provided under a personal automobile insurance policy or a residential property insurance policy unless and until the insured files a claim under the policy.

No equivalent provision.

SECTION 2. This Act takes effect September 1, 2011.

database.

SECTION 2. This Act applies only to an insurance policy or contract that is delivered, issued for delivery, or renewed on or after January 1, 2012. An insurance policy or contract delivered, issued for delivery, or renewed before January 1, 2012, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. Same as House version.