

By: Smithee

H.B. No. 1399

A BILL TO BE ENTITLED

AN ACT

relating to electronic availability of certain property and casualty insurance forms.

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

SECTION 1. Subtitle A, Title 10, Insurance Code, is amended by adding Chapter 1812 to read as follows:

CHAPTER 1812. ELECTRONIC AVAILABILITY OF SPECIMEN POLICIES

Sec. 1812.001. DEFINITION. In this chapter, "specimen policy" means a standardized form, including an insurance policy form or endorsement, used by an insurer to write property and casualty insurance in this state that does not contain personally identifiable information about an insured.

Sec. 1812.002. ELECTRONIC AVAILABILITY OF CERTAIN FORMS.

(a) As provided by Section 1812.003, an insurer may make a property and casualty insurance policy available to an insured by posting a specimen policy on the insurer's Internet website instead of other authorized means.

(b) On request of and at no cost to an insured, an insurer shall provide to the insured a printed or electronic copy of a specimen policy applicable to the insured that is posted on the insurer's Internet website.

Sec. 1812.003. NOTICE OF ELECTRONIC AVAILABILITY OF CERTAIN FORMS. (a) An insurer that posts a specimen policy on the insurer's Internet website under this chapter must, on issuance or

1 renewal of a policy incorporating the specimen policy:

2 (1) on the declarations page of the insured's policy:

3 (A) disclose that the specimen policy is
4 electronically available on the insurer's Internet website; and

5 (B) clearly identify each posted specimen policy
6 incorporated into the insured's policy; and

7 (2) explain that and how an insured, on request and at
8 no charge, may obtain a printed or electronic copy of the specimen
9 policy from the insurer.

10 (b) An insurer that during an insured's policy period posts
11 a specimen policy or amends a posted specimen policy incorporated
12 into an insured's policy must, on the date the specimen policy is
13 posted or amended, in writing and in the insurer's customary manner
14 of communicating with the insured:

15 (1) notify the insured that the specimen policy is
16 electronically available on the insurer's Internet website;

17 (2) clearly identify each added or amended specimen
18 policy incorporated into the insured's policy; and

19 (3) explain that and how the insured, on request and at
20 no charge, may obtain a printed or electronic copy of the specimen
21 policy from the insurer.

22 Sec. 1812.004. ACCESSIBILITY OF CERTAIN ELECTRONICALLY
23 AVAILABLE FORMS. A specimen policy posted on the insurer's
24 Internet website under this chapter must be, until no policy
25 incorporating the specimen policy is in force:

26 (1) easily accessible on the website; and

27 (2) provided in a format readily capable of being

1 saved or printed using a widely available and free computer
2 application or program.

3 Sec. 1812.005. RETENTION OF CERTAIN ELECTRONICALLY
4 AVAILABLE FORMS. An insurer that posts a specimen policy on the
5 insurer's Internet website under this chapter must for at least
6 five years after the latest date a policy incorporating the
7 specimen policy is in force:

8 (1) preserve an electronic copy of the specimen
9 policy; and

10 (2) make a printed or electronic copy of the specimen
11 policy available on request at no cost.

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

19 SECTION 3. This Act takes effect September 1, 2013.