

By: Taylor

S.B. No. 852

A BILL TO BE ENTITLED

AN ACT

relating to 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. 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 personal automobile, commercial automobile, inland marine, or residential property insurance in this state that does not contain personally identifiable information about an insured.

Sec. 1812.002. AVAILABILITY OF CERTAIN FORMS.

(a) Notwithstanding any other provision of this code relating to the delivery of policy forms, an insurer may elect to make a personal automobile, commercial automobile, inland marine, or residential property insurance policy available to an insured by posting a specimen policy on the insurer's Internet website instead of other authorized means. An insurer making the election must comply with Section 1812.003.

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

1 Sec. 1812.003. NOTICE OF AVAILABILITY OF CERTAIN FORMS.

2 (a) An insurer that posts a specimen policy on the insurer's
3 Internet website under this chapter must, on issuance or renewal of
4 a policy incorporating the specimen policy:

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

6 (A) disclose that the specimen policy is
7 available on the insurer's Internet website; and

8 (B) clearly identify each posted specimen policy
9 incorporated into the insured's policy;

10 (2) explain that and how an insured, on request and at
11 no charge, may obtain a copy of the specimen policy from the
12 insurer; and

13 (3) provide to the department and the office of public
14 insurance counsel an electronic copy of the specimen policy that
15 may be posted on the Internet website of the department or the
16 office of public insurance counsel.

17 (b) An insurer that during an insured's policy period posts
18 a specimen policy or amends a posted specimen policy incorporated
19 into an insured's policy must, on the date the specimen policy is
20 posted or amended, in writing and in the insurer's customary manner
21 of communicating with the insured:

22 (1) notify the insured that the specimen policy is
23 available on the insurer's Internet website;

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

26 (3) explain that and how the insured, on request and at
27 no charge, may obtain a copy of the specimen policy from the

1 insurer.

2 Sec. 1812.004. ACCESSIBILITY OF CERTAIN AVAILABLE FORMS. A
3 specimen policy posted on the insurer's Internet website under this
4 chapter must be, until no policy incorporating the specimen policy
5 is in force:

6 (1) easily accessible on the website; and

7 (2) provided in a format readily capable of being
8 saved or printed using a widely available and free computer
9 application or program.

10 Sec. 1812.005. RETENTION OF CERTAIN AVAILABLE FORMS. An
11 insurer that posts a specimen policy on the insurer's Internet
12 website under this chapter must for at least five years after the
13 latest date a policy incorporating the specimen policy is in force:

14 (1) preserve an electronic copy of the specimen
15 policy; and

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

18 SECTION 2. This Act applies only to an insurance policy that
19 is delivered, issued for delivery, or renewed on or after the
20 effective date of this Act. A policy delivered, issued for
21 delivery, or renewed before the effective date of this Act is
22 governed by the law as it existed immediately before the effective
23 date of this Act, and that law is continued in effect for that
24 purpose.

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