

By: Vo

H.B. No. 3905

A BILL TO BE ENTITLED

AN ACT

relating to the release of certain documentation of the applicable limits of coverage in an automobile insurance agreement.

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

SECTION 1. Subchapter C, Chapter 542, Insurance Code, is amended by adding Section 542.102 to read as follows:

Sec. 542.102. RELEASE OF COVERAGE INFORMATION UPON WRITTEN REQUEST OF CLAIMANT'S ATTORNEY (a) Every insurer providing automobile insurance coverage in this State and which is or may be liable to pay all or a part of any claim shall provide, within thirty days of receiving a written request from the claimant's attorney, a statement stating with regard to each known policy of nonfleet private passenger insurance issued by it, the name of the insurer, the name of each insured, and the limits of coverage. The insurer may provide a copy of the declaration page of each such policy in lieu of providing such information. The request shall set forth under oath the specific nature of the claim asserted and shall be mailed to the insurer by certified mail or statutory overnight delivery. The request also must state that the attorney is authorized to make such a request and must be accompanied by a copy of the incident report from which the claim is derived.

(b) If the request provided in subsection (a) contains information insufficient to allow compliance, the insurer upon whom the request was made may so state in writing, stating specifically

1 what additional information is needed and such compliance shall  
2 constitute compliance with this section.

3 (c) The information provided to a claimant or his attorney  
4 as required by subsection (a) of this section shall not create a  
5 waiver of any defenses to coverage available to the insurer and  
6 shall not be admissible in evidence.

7 (d) The information provided to a claimant or his attorney  
8 as required by subsection (a) shall be amended upon the discovery of  
9 facts inconsistent with or in addition to the information provided.

10 (e) The provisions of this section do not require disclosure  
11 of limits for fleet policy limits, umbrella coverages, or excess  
12 coverages.

13 (f) The information received pursuant to this section is  
14 confidential and must not be disclosed to any outside party. Upon  
15 final disposition of the case, the claimant's attorney must destroy  
16 all information received pursuant to this section. The court must  
17 impose sanctions for a violation of this subsection.

18 SECTION 2. This Act takes effect September 1, 2015.