

AN ACT

relating to construction of certain laws prohibiting discrimination, distinctions, inducements, rebates, and certain other conduct related to property and casualty insurance.

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

SECTION 1. Subchapter A, Chapter 1806, Insurance Code, is amended by adding Section 1806.002 to read as follows:

Sec. 1806.002. CONSTRUCTION OF CERTAIN PROVISIONS; SERVICES RELATED TO LOSS CONTROL. (a) Nothing in Section 1806.053, 1806.054, 1806.059, 1806.104, 1806.1041, 1806.153, 1806.1541, or 1806.156 may be construed as:

(1) permitting an unfair method of competition or a false, misleading, or deceptive act or practice under Section 17.46, Business & Commerce Code; or

(2) prohibiting an insurer or an insurer's agent from offering or giving to an insured or applicant, for free or at a discounted price in a manner that is not unfairly discriminatory to insureds or applicants of the same class and of essentially the same hazard, services or other offerings not specified in the insurance policy that relate to loss control of the risks covered under the policy, subject to Subsection (b).

(b) The cost to the insurer or the insurer's agent offering the product or service to any given customer must be reasonable in comparison to that customer's premiums or insurance coverage for

1 the policy class.

2 (c) Other than for purposes related to loss control of risks  
3 covered under the policy, the insurer or insurer's agent offering  
4 the product or service may not provide to another person any data or  
5 other information obtained about the customer from or in connection  
6 with the product or service.

7 (d) The commissioner may adopt rules as necessary to  
8 implement this section.

9 SECTION 2. This Act takes effect September 1, 2023.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1074 was passed by the House on April 14, 2023, by the following vote: Yeas 142, Nays 1, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1074 was passed by the Senate on May 17, 2023, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor