

CHAPTER 101

S.B. No. 852

1 AN ACT

2 relating to availability of certain property and casualty insurance
3 forms.

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

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

7 CHAPTER 1812. AVAILABILITY OF SPECIMEN POLICIES

8 Sec. 1812.001. DEFINITION. In this chapter, "specimen
9 policy" means a standardized form, including an insurance policy
10 form or endorsement, used by an insurer to write personal
11 automobile, commercial automobile, inland marine, or residential
12 property insurance in this state that does not contain personally
13 identifiable information about an insured.

14 Sec. 1812.002. AVAILABILITY OF CERTAIN FORMS.

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

22 (b) On request of and at no cost to an insured, an insurer
23 shall provide to the insured a copy of a specimen policy applicable
24 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.

S.B. No. 852

David Dewhurst

President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 852 passed the Senate on March 27, 2013, by the following vote: Yeas 30, Nays 0.

Atsuy Saw
Secretary of the Senate

I hereby certify that S.B. No. 852 passed the House on May 2, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Robert Nancy
Chief Clerk of the House

Approved:

18 MAY '13

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

6pm O'CLOCK

MAY 18 2013

[Signature]
Secretary of State