

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

1 to the insured that is posted on the insurer's Internet website.

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

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

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

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

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

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

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

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

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

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

27 (3) explain that and how the insured, on request and at

1 no charge, may obtain a copy of the specimen policy from the  
2 insurer.

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

7 (1) easily accessible on the website; and

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

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

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

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

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

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

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President of the Senate

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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.

\_\_\_\_\_  
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.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor