

**Subchapter A. Rules of Practice and Procedure**  
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**Subchapter E. Notice of Toll-Free Telephone Numbers and Procedures for  
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**INTRODUCTION.** The commissioner of the Texas Department of Insurance (TDI) adopts amendments to 28 TAC §§1.208 - 1.210, 1.601, 1.602, 1.705, 1.804, and 1.2803, concerning administrative procedures. The commissioner adopts §§1.208 - 1.210, 1.601, and 1.602 with changes to the proposed text published in the January 13, 2023, issue of the *Texas Register* (48 TexReg 102). Changes to §§1.208 - 1.210 and §1.602 are nonsubstantive and revised for consistency with agency drafting style, and §1.601 is revised in response to public comment. The commissioner adopts §§1.705, 1.804, and 1.2803 without changes to the proposed text.

**REASONED JUSTIFICATION.** The adopted amendments are necessary to update TDI's mailing address and physical address where they are listed in Chapter 1 to reflect TDI's move from its previous location in the William P. Hobby Building at 333 Guadalupe Street

in Austin, Texas 78701, to the Barbara Jordan State Office Building at 1601 Congress Avenue in Austin, Texas 78701. Adopted amendments also revise email addresses and other contact information, where appropriate, to ensure that the rules have TDI's current information. The amendments also update rule language for consistency with current TDI plain language preferences and drafting practices. While the amendments relating to consumer notices build in time for compliance, nothing prevents a regulated person from providing TDI's updated contact information to consumers immediately.

The adopted amendments to the sections are described in the following paragraphs.

**Section 1.208. Applicability.** The adopted amendments remove "Purpose and" in the section title and remove rule text from §1.208(a), which describes the purpose of the section, because it is no longer necessary to include in the rule. The amendments also redesignate the remaining subsections to reflect the removal of §1.208(a) and update implementation dates, where necessary. Documents provided to consumers or the public that include TDI contact information must be updated by July 1, 2023, though the section allows use of documents printed before January 1, 2023, until September 1, 2023. In addition, amendments revise references to sections, remove "(HMO)," and replace "chapter" with "title" to conform with current agency drafting style and plain language preferences.

The text of §1.208 as proposed has been changed to add the titles to the citations of §1.209 and §1.210 to reflect current agency drafting style.

**Section 1.209. Telephone, Fax, Email Address, Website Address, and Department Addresses in Rules, Forms.** Section 1.209 clarifies that current addresses and contact information for TDI should be used as a substitute when text in a TDI rule

references outdated TDI contact information. The adopted amendments add 333 Guadalupe Street, Austin, Texas 78701 as an old address for TDI and provide the updated Congress Avenue address as the substitute. The amendments also add TDI's outdated mailing address to rule text and provide the agency's new mailing address for use as the substitute.

The amendments restructure the section by deleting the subsection (a) designation and replacing subsection (b) with paragraph (3) to reflect the new section structure. The amendments revise the figure citation to "Figure: 28 TAC §1.209(2)" to reflect the adopted rule structure. The amendments also delete §1.209(c), which references a chart listing rules and forms affected by the rule on TDI's rule website. The chart will, however, remain on TDI's website as a reference for rules containing phone numbers that changed in 2014.

The amendments make nonsubstantive changes to replace the word "facsimile" with the word "fax" as it appears in the section title and in the text of the section for consistency with Figure: 28 TAC §1.209(2). The amendments replace "street address" with "department addresses" as it appears in the section title to reflect the inclusion of mailing addresses in the section. The amendments also update internal citations and replace the word "chapter" with "title" and "HMO" with "health maintenance organizations (HMOs)" to reflect current agency plain language preferences and drafting style.

The text of §1.209 as proposed has been changed to add the title of §1.208 in a citation to the section and to amend the font used in Figure: 28 TAC §1.209(2) to reflect current agency drafting style.

**Section 1.210. Notice to Customers.** Section 1.210 requires insurers and HMOs that issued policies that do not expire but are currently in effect to provide customers with an "Important Notice" in §1.601 and §1.602 by a specific date. The adopted

amendments replace the reference to the "Important Notice" with "notice forms required" for accuracy with the current rule language in §1.601. The amendments also update the date that regulated entities must comply with the rule to September 1, 2023.

Nonsubstantive changes include replacing "chapter" with "title" and "HMOs" with "health maintenance organizations" to reflect current agency plain language preferences and drafting style.

The text of §1.210 as proposed has been changed to add the titles to the citations of §1.601 and §1.602 to reflect current agency drafting style.

**Section 1.601. Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures.** Section 1.601 includes notices insurers and HMOs must provide to consumers that contain TDI contact information. The adopted amendments update TDI's mailing and email address in these notices, which are in Figure: 28 TAC §1.601(a)(2)(B) and Figure: 28 TAC §1.601(a)(2)(C). The adopted amendments also revise §1.601(e) to require that insurers and HMOs begin providing the updated notice forms in information to policyholders by July 1, 2023.

The adopted amendments also make nonsubstantive changes to remove the statement "the following information" and replace the word "font" with "type" to conform with current agency drafting style.

The contents of Figure: 28 TAC §1.601(a)(2)(C) have been changed from the version included in the proposal in response to comment by updating an email address where policyholders who have an unresolved problem with their premium may request assistance.

**Section 1.602. Notice of Website.** Section 1.602 specifies contact information for TDI that insurers identified in the section must provide to consumers. The adopted

amendments update TDI's mailing address in Figure: 28 TAC §1.602(b)(1)(C), and the amended text in §1.602(b)(1)(C) requires that insurers begin providing the updated notice of website form to policyholders by July 1, 2023.

The amendments also clarify which implementation date applies to Figure: 28 TAC §1.602(b)(1)(C) and Figure: 28 TAC §1.602(b)(2) and that insurers must include the language in subparagraphs (A) and (B) of §1.602(b)(1) in the notice required under §1.601(a)(2) with each policy specified.

The amendments remove reference to the word "internet" in the section title and the word "and" in §1.602(b)(1)(A). Amendments also replace the word "font" with "type," "who" with "that," "Helpinsure.com" with "HelpInsure.com" and the statement "top 25" with "top-25" to conform with current agency drafting style and plain language preferences.

The contents of Figure: 28 TAC §1.602(b)(1)(C) have been changed from the version included in the proposal to correct punctuation by replacing a parenthesis with a bracket.

**Section 1.705. Review.** Section 1.705 provides the process for a person affected by an action taken by an associate or deputy commissioner under 28 TAC Chapter 1, Subchapter F, to petition the commissioner for review of the action. The adopted amendments update the mailing address and add the Chief Clerk email address where any affected person may file a petition.

The amendments also revise capitalization, replace the statement "pursuant to" with "under," and replace the word "shall" with either "must" or "will" as appropriate, to reflect agency drafting style and plain language preferences.

**Section 1.804. Manner of Notice.** Section 1.804 identifies locations where TDI and State Fire Marshal's Office (SFMO) previously posted notices. The adopted amendments remove existing §1.804(a) because TDI and SFMO no longer post hard copy notices at the agency's physical location. Because §1.804(a) is removed, the designation "(b)" is also removed. Amendments also clarify how notice under §1.804 will be delivered to applicants and provide, as an example, delivery of the notice through a designated email address.

**Section 1.2803. Notice About Certain Information Laws and Practices.** Section 1.2803 contains a notice regarding information TDI collects. The adopted amendments update the contact information provided in Figure: 28 TAC §1.2803(a) to remove the specific TDI division to contact. Instead, the amendments provide the dedicated email address where individuals requesting record corrections may submit their request; update a reference to TDI's website address; and, to promote clarity and prevent consumer confusion, remove a reference to an outdated title of the website where procedures for making corrections can be found. Finally, the amendments replace the word "subchapter" with "section" to incorporate the notice under §1.2803 on the new effective date for the section. Amendments also replace the word "shall" with "will" and the words "Internet site" and "web page" with "website" to conform with current agency drafting style and plain language preferences.

## **SUMMARY OF COMMENTS AND AGENCY RESPONSE.**

**Commenter:** TDI received one comment from the National Council on Compensation Insurance (NCCI). The commenter was in support of the proposal with changes.

**Comment on §1.601.**

**Comment.** A commenter requests that TDI amend two instances of the NCCI complaint email provided in Figure: 28 TAC §1.601(a)(2)(C) from "regulatoryoperations@ncci.com" to "disputeresolution@ncci.com."

**Agency Response.** TDI agrees and has changed the NCCI email provided in the toll-free notice form.

**Subchapter A. Rules of Practice and Procedure**  
**Division 2. Rule Making Procedures**  
**28 TAC §§1.208 - 1.210**

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §§1.208 - 1.210 under Insurance Code §521.005(a)(2) and §36.001.

Insurance Code §521.005(a)(2) provides that each insurance policy delivered or issued for delivery in this state must include a brief written notice that includes TDI's name and address.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**TEXT.****§1.208. Applicability.**

(a) This section and §1.209 of this title (relating to Telephone, Fax, Email Address, Website Address, and Department Addresses in Rules, Forms) and §1.210 of this title

(relating to Notice to Customers) apply to all documents or information provided to consumers or the public that include TDI contact information, including contracts, policies, evidences of coverage, bonds, certificates of insurance, and notices delivered, issued for delivery, or renewed in this state, and subject to regulation under the Insurance Code, except as specified in §1.210 of this title.

(b) Documents and information described in subsection (a) of this section and issued on or after July 1, 2023, must reflect the current TDI contact information described in §1.209 of this title, except as provided by subsection (c) of this section and §1.210 of this title.

(c) Notwithstanding subsection (b) of this section, insurers, health maintenance organizations, and other regulated persons may continue to use and issue documents and information described in subsection (a) of this section until September 1, 2023, if the documents or information were printed before January 1, 2023.

(d) Documents and information described in subsection (a) of this section that were approved or filed, whichever is applicable, before January 1, 2023, may be delivered or issued for delivery without refiling.

**§1.209. Telephone, Fax, Email Address, Website Address, and Department Addresses in Rules, Forms.**

The purpose of this section is to update TDI rules and to require insurers, health maintenance organizations (HMOs), and other regulated persons to update old references to TDI telephone numbers, fax numbers, email addresses, the website address, and TDI mailing addresses with the new contact information as follows.



(1) Where a section in Title 28, Part 1 references the domain name "tdi.state.tx.us" in a website or email address, this section substitutes "tdi.texas.gov" as the new domain name. Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(a) of this title (relating to Applicability) to reflect the current domain name.

(2) Where a section in Title 28, Part 1 references any of the following telephone or fax numbers, this section substitutes the new number as referenced in Figure: 28 TAC §1.209(2). Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(a) of this title to reflect the current telephone and fax numbers.

Figure: 28 TAC §1.209(2)

<b>Telephone or Fax Number in Rule, Form, or Figure</b>	<b>New Telephone and Fax Number</b>
512-305-7211 (telephone)	800-252-3439 (telephone)
512-305-7900 (telephone)	512-676-7900 (telephone)
512-305-7922 (fax)	512-490-1056 (fax)
512-305-7934 (telephone)	512-676-6551 (telephone)
512-322-2212 (telephone)	512-676-6763 (telephone)
512-322-2273 (fax)	512-490-1051 (fax)
512-322-3417 (fax)	512-490-1051 (fax)
512-322-3418 (fax)	512-490-1051 (fax)
512-322-3401 (telephone)	512-676-6889 (telephone)
512-322-3409 (telephone)	512-676-6889 (telephone)
512-322-3435 (telephone)	512-676-6750 (telephone)
512-322-3482 (telephone)	512-676-6475 (telephone)
512-322-3503 (telephone)	512-676-6500 (telephone)
512-322-3505 (telephone)	512-676-6375 (telephone)
512-344-3506 (telephone)	512-676-6889 (telephone)

512-322-3507 (telephone)	512-676-6375 (telephone)
512-322-3535 (telephone)	512-676-6395 (telephone)
512-322-3552 (fax)	512-490-1017 (fax)
512-322-3553 (fax)	512-490-1036 (fax)
512-322-3579 (telephone)	512-676-6392 (telephone)
512-322-4370 (telephone)	512-676-6385 (telephone)
512-322-5023 (telephone)	512-676-6375 (telephone)
512-322-5026 (fax)	512-490-1010 (fax)
512-463-6515 (telephone)	800-252-3439 (telephone)
512-463-6693 (fax)	512-490-1048 (fax)
512-475-1757 (telephone)	512-676-6551 (telephone)
512-475-1771 (fax)	512-490-1007 (fax)
512-475-1819 (fax)	512-490-1029 (fax)
512-475-1878 (telephone)	512-676-6690 (telephone)
512-475-3026 (telephone)	512-676-6690 (telephone)

(3) Where a section in Title 28, Part 1 references the address at 1110 San Jacinto Boulevard, Austin, Texas 78701 or 333 Guadalupe Street, Austin, Texas 78701, this section substitutes 1601 Congress Avenue, Austin, Texas, 78701. Where a section in Title 28, Part 1 references the Texas Department of Insurance mailing address as P.O. Box 149104, Austin, TX 78714-9104, this section substitutes P.O. Box 12030, Austin, TX 78711-2030. Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(a) to reflect the new address.

**§1.210. Notice to Customers.**

For contracts, plans, or policies that are in effect but do not expire, insurers and health maintenance organizations must notify their customers by providing the applicable updated notice forms required in §1.601 of this title (relating to Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures) and §1.602 of this title

(relating to Notice of Website), not later than September 1, 2023. This section does not apply to title insurance agents or title insurance companies.

**Subchapter E. Notice of Toll-Free Telephone Numbers and Procedures for  
Obtaining Information and Filing Complaints  
28 TAC §1.601 and §1.602**

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §1.601 and §1.602 under Insurance Code §§32.104(b), 521.005(a)(2), 521.005(b), and 36.001.

Insurance Code §32.104(b) provides that the commissioner adopt appropriate wording for the notice of the internet website required by Insurance Code Chapter 32, Subchapter D.

Insurance Code §521.005(a)(2) provides that each insurance policy delivered or issued for delivery in this state must include a brief written notice that includes TDI's name and address.

Insurance Code §521.005(b) provides that the commissioner adopt appropriate wording for the notice required by the section.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**TEXT.**

**§1.601. Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures.**

(a) Purpose and applicability.

(1) The purpose of this section is to provide the means for insurers and health maintenance organizations (HMOs) to comply with the notice requirements of Insurance Code §521.103, concerning Information Included in Evidence of Coverage or Policy; §521.005, concerning Notice to Accompany Policy; and §521.056, concerning Information Bulletin to Accompany Policy. Compliance with this section is deemed compliance with these notice requirements.

(2) The notice must be provided at the time of delivery with all policies, bonds, annuity contracts, certificates, or evidences of coverage that are delivered, issued for delivery, or renewed in Texas by insurers or HMOs. When insurers add a certificate holder, annuitant, or enrollee to a group policy or group plan, insurers must also provide the notice when the certificate, annuity contract, or evidence of coverage is delivered.

(A) The notice must appear on a full, separate page with no text other than that provided in this section. The notice must be prominently placed in any package of documents it is delivered with, and it must be the first, second, or third page of the set of documents.

(B) The form of the notice must be consistent with Figure: 28 TAC §1.601(a)(2)(B) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(B)

### Have a complaint or need help?

If you have a problem with a claim or your premium, call your insurance company or HMO first. If you can't work out the issue, the Texas Department of Insurance may be able to help.

Even if you file a complaint with the Texas Department of Insurance, you should also file a complaint or appeal through your insurance company or HMO. If you don't, you may lose your right to appeal.

[Insert insurance company or HMO name]

To get information or file a complaint with your insurance company or HMO:

Call: [insert title] at [insert phone number]

Toll-free: [insert phone number]

[optional] Online: [insert company URL]

Email: [insert email address]

Mail: [insert mailing address]

The Texas Department of Insurance

To get help with an insurance question or file a complaint with the state:

Call with a question: 1-800-252-3439

File a complaint: [www.tdi.texas.gov](http://www.tdi.texas.gov)

Email: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

### ¿Tiene una queja o necesita ayuda?

Si tiene un problema con una reclamación o con su prima de seguro, llame primero a su compañía de seguros o HMO. Si no puede resolver el problema, es posible que el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés) pueda ayudar.

Aun si usted presenta una queja ante el Departamento de Seguros de Texas, también debe presentar una queja a través del proceso de quejas o de apelaciones de su compañía de seguros o HMO. Si no lo hace, podría perder su derecho para apelar.

[Insert insurance company or HMO name]

Para obtener información o para presentar una queja ante su compañía de seguros o HMO:

Llame a: [insert title] al [insert phone number]  
Teléfono gratuito: [insert phone number]  
[optional] En línea: [insert company URL]  
Correo electrónico: [insert email address]  
Dirección postal: [insert mailing address]

El Departamento de Seguros de Texas

Para obtener ayuda con una pregunta relacionada con los seguros o para presentar una queja ante el estado:

Llame con sus preguntas al: 1-800-252-3439

Presente una queja en: [www.tdi.texas.gov](http://www.tdi.texas.gov)

Correo electrónico: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

Dirección postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

(C) The form of the notice for workers' compensation must be consistent with Figure: 28 TAC §1.601(a)(2)(C) and the requirements of subsection (b) of this section. The form of notice is not required to be filed with the department.

Figure: 28 TAC §1.601(a)(2)(C)

### Have a workers' compensation complaint or need help?

Contact your insurance company if you have a question or problem about your premium or a claim:

[Insert insurance company name]  
Call: [insert title] at [insert phone number]  
Toll-free: [insert phone number]  
[optional] Online: [insert company URL]  
Email: [insert email address]  
Mail: [insert mailing address]

For problems with your policy

If your problem with the premium is not resolved, contact the National Council on Compensation Insurance, Dispute Resolution Services:

Mail: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362  
Fax: 561-893-5043  
Email: [disputeresolution@ncci.com](mailto:disputeresolution@ncci.com)  
Phone: 1-800-622-4123

If you believe there has been a violation of law related to your workers' compensation policy, file a complaint with the Texas Department of Insurance:

Call: 1-800-252-3439  
Online: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
Email: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)  
Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

For employees with claim issues

If one of your employees has a problem with a claim, contact the Texas Department of Insurance, Division of Workers' Compensation, Compliance and Investigations:

Mail: Compliance and Investigations, MC: CI, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 12050, Austin, TX 78711-2050  
Fax: 512-490-1030  
Email: [DWCCOMPLAINTS@tdi.texas.gov](mailto:DWCCOMPLAINTS@tdi.texas.gov)  
Phone: 1-800-252-7031

**¿Tiene una queja de compensación para trabajadores o  
necesita ayuda?**

Comuníquese con su compañía de seguros si tiene una pregunta o problema relacionado con su prima de seguro o con una reclamación:

[Insert insurance company name]  
Llame a: [insert title] al [insert phone number]  
Teléfono gratuito: [insert phone number]  
[optional] En línea: [insert company URL]  
Correo electrónico: [insert email address]  
Dirección postal: [insert mailing address]

Para problemas con su póliza

Si su problema con la prima de seguro no es resuelto, comuníquese con el Consejo Nacional de Seguros de Compensación (National Council on Compensation Insurance, por su nombre en inglés), Servicios para la Resolución de Disputas:

Correo postal: 901 Peninsula Corporate Circle, Boca Raton, FL 33487-1362  
Fax: 561-893-5043  
Correo electrónico: [disputeresolution@ncci.com](mailto:disputeresolution@ncci.com)  
Teléfono: 1-800-622-4123

Si usted piensa que ha habido una violación a la ley, la cual está relacionada con su póliza de compensación para trabajadores, presente una queja ante el Departamento de Seguros de Texas:

Llame al: 1-800-252-3439  
En línea: [www.tdi.texas.gov](http://www.tdi.texas.gov)  
Correo electrónico: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)  
Correo postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

Para empleados que tienen problemas con sus reclamaciones

Si uno de sus empleados tiene un problema con una reclamación, comuníquese con la Sección de Cumplimiento e Investigaciones (Compliance and Investigations, por su nombre en inglés) del Departamento de Seguros de Texas, División de Compensación para Trabajadores (Texas Department of Insurance, Division of Workers' Compensation, por su nombre en inglés).

Correo postal: Compliance and Investigations, MC: CI, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 12050, Austin, TX 78711-2050  
Fax: 512-490-1030  
Correo electrónico: [DWCCOMPLAINTS@tdi.texas.gov](mailto:DWCCOMPLAINTS@tdi.texas.gov)  
Teléfono: 1-800-252-7031



(b) Notice requirements. The text may be single spaced, but it must include at least one blank line between each paragraph. The Spanish portion of the notice is required for personal automobile, homeowners, life, accident, and health policies, certificates, and evidences of coverage. The notice may include the letterhead of the insurer or HMO and any automated form identification numbers.

(1) The notice must include a title and telephone number for the insurer or HMO. At its option, the insurer or HMO may provide the name and telephone number of an agent, third-party administrator, managing general agent, or employee benefits coordinator. The telephone number must be in bold type and be preceded and followed by one blank line. The insurer or HMO must provide a toll-free telephone number, unless one of the exemptions in subparagraphs (A) - (C) of this paragraph applies. For purposes of this section, a toll-free telephone number is one that any covered person can use to get information or make a complaint without incurring long-distance calling expenses. An insurer or HMO is exempt from providing a toll-free number:

(A) when the insurer's or HMO's gross initial premium receipts collected in Texas are less than \$2 million a year;

(B) with respect to fidelity, surety, or guaranty bonds; or

(C) if it is a surplus lines insurer.

(2) The notice must include a mailing address and email address for the insurer or HMO. The notice may include a company's URL address.

(3) The notice must be in a type size no smaller than 10 point.

(c) Exceptions to maintenance of toll-free number. Any exception claimed under subsection (b)(1)(A) of this section must be based on gross initial premium receipts collected in Texas during the previous calendar year. This information and any other data

that the company relied on to determine if it was entitled to an exception is subject to examination by the department. Failure by any insurer or HMO to maintain the information required in this paragraph, or failure to provide information to the department on request, constitutes grounds for enforcement action that may result in the cancellation, revocation, or suspension of the insurer's or HMO's certificate of authority. Any insurer or HMO claiming an exception must retain and provide to the department on request:

(1) the statutory basis for the exception; and

(2) the amount of gross initial premium receipts collected in Texas for the calendar year immediately preceding the year for which an exception is claimed. The gross initial premium receipts collected may be documented either by:

(A) the annual statement submitted by the insurer or HMO; or

(B) records maintained for each new policy written during a calendar year that include the policy number, the effective date of the policy, and the amount of initial premium received, including any membership fees, assessments, dues, and any other considerations for that insurance.

(d) Providing notice. Insurers and HMOs will not need to refile previously approved policies, bonds, annuity contracts, certificates, or evidences of coverage, but they must provide the notice in the manner required by this section.

(e) Implementation date. Insurers and HMOs must begin using the notice form described in subsection (a)(2) of this section no later than July 1, 2023. Insurers and HMOs may continue using the previous notice form until that time.

**§1.602. Notice of Website.**

(a) Purpose and applicability.

(1) The purpose of this section is to establish the form and content of the notice required under Insurance Code §32.104(b), concerning Duties of Insurer.

(2) This section applies to insurers that comprise the top-25 insurance groups in the national market and that issue residential property insurance or personal automobile insurance policies in this state, including a Lloyd's plan, a reciprocal or interinsurance exchange, a county mutual insurance company, a farm mutual insurance company, the Texas Windstorm Insurance Association, the FAIR Plan Association, and the Texas Automobile Insurance Plan Association.

(3) This section applies to all residential property insurance and personal automobile insurance policies that are delivered, issued for delivery, or renewed in this state on or after January 1, 2008.

(b) Notice requirements. Insurers must comply with either subsection (b)(1) or (b)(2) of this section or may opt to comply with both.

(1) Notwithstanding the requirements in §1.601(a)(2) of this title (relating to Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures), the insurer must include the text in subparagraphs (A) and (B) of this paragraph in the notice required under §1.601(a)(2) of this title with each policy specified. The text must be in a type size no smaller than 10 point. The heading "To compare policies and prices" must be in bold type. The website address "HelpInsure.com" must be in bold type and must be preceded by one blank line.

(A) "To compare policies and prices: Visit [HelpInsure.com](http://HelpInsure.com) to compare prices and coverages on home and auto insurance policies. The website is a service of the

Texas Department of Insurance and the Office of Public Insurance Counsel" in the English portion.

(B) "Para comparar pólizas y precios: Visite [HelpInsure.com](http://HelpInsure.com) para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés)" in the Spanish portion.

(C) Insurers must begin using the notice form described in this paragraph no later than July 1, 2023. Insurers may continue using the previous notice form until that time.

Figure: 28 TAC §1.602(b)(1)(C)

### **Where you can get information or make a complaint**

If you have a question or a problem with a claim or your premium, contact your insurance company first. You can also get information or file a complaint with the Texas Department of Insurance.

#### **[Insert insurance company name]**

To get information or file a complaint with your insurance company:

**Call: [insert title] at [insert phone number]**

**Toll-free: [insert phone number]**

[optional] Online: [insert company URL]

Email: [insert email address]

Mail: [insert mailing address]

#### **The Texas Department of Insurance**

To get help with an insurance question, learn about your rights, or file a complaint with the state:

Call: 1-800-252-3439

Online: [www.tdi.texas.gov](http://www.tdi.texas.gov)

Email: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

Mail: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

#### **To compare policies and prices**

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

### **Donde puede obtener información o presentar una queja**

Si tiene una pregunta o un problema con una reclamación o con su prima de seguro, comuníquese primero con su compañía de seguros. Usted también puede obtener información o presentar una queja ante el Departamento de Seguros de Texas (Texas Department of Insurance, por su nombre en inglés).

#### **[Insert Insurance Company Name]**

Para obtener información o para presentar una queja ante su compañía de seguros:

**Llame a: [insert title] al [insert phone number]**

**Teléfono gratuito: [insert phone number]**

[optional] En línea: [insert company URL]

Correo electrónico: [insert email address]

Dirección postal: [insert mailing address]

**El Departamento de Seguros de Texas**

Para obtener ayuda con una pregunta relacionada con los seguros, para conocer sus derechos o para presentar una queja ante el estado:

Llame: 1-800-252-3439

En línea: [www.tdi.texas.gov](http://www.tdi.texas.gov)

Correo electrónico: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

Dirección postal: Consumer Protection, MC: CO-CP, Texas Department of Insurance, P.O. Box 12030, Austin, TX 78711-2030

**Para comparar pólizas y precios**

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).

(2) The insurer must provide the following notice in a conspicuous manner with each policy. The notice must be printed in type size that is at least as large as the type used for the main body of the policy, and it must be preceded and followed by at least one blank line. "Insurance Website Notice" and "Aviso del Sitio Web de Seguros" must be in all capital letters and bold type and "HelpInsure.com" must be in bold type. Insurers must begin using the notice described in this paragraph no later than May 1, 2020. Insurers may continue using the previous notice until that time.

Figure: 28 TAC §1.602(b)(2)

**INSURANCE WEBSITE NOTICE**

**To compare policies and prices**

Visit **HelpInsure.com** to compare prices and coverages on home and auto insurance policies. The website is a service of the Texas Department of Insurance and the Office of Public Insurance Counsel.

**AVISO DEL SITIO WEB DE SEGUROS**

**Para comparar pólizas y precios**

Visite **HelpInsure.com** para comparar precios y coberturas en pólizas de seguro para el hogar y automóvil. El sitio web es un servicio del Departamento de Seguros de Texas y de la Oficina del Asesor Público de Seguros (Office of Public Insurance Counsel, por su nombre en inglés).

**Subchapter F. Summary Procedures for Routine Matters**  
**28 TAC §1.705**

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §1.705 under Insurance Code §36.103(d) and §36.001.

Insurance Code §36.103(d) provides that the commissioner may adopt rules relating to an application for review under Insurance Code §36.103 and consideration of the application.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**TEXT.**

**§1.705. Review.**

Any person affected by any action taken by an associate or deputy commissioner under this subchapter may petition the Commissioner for a hearing to review the matter. The petition must contain an identification of the matter complained of and a petitioner's statement, including a rebuttal of the associate or deputy commissioner's action with specific particularity to inform the Commissioner and any interested persons of the petitioner's reasons and arguments serving as the basis of the petition. The petition must be filed with the Chief Clerk, by mail to MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030; or by email to ChiefClerk@tdi.texas.gov. The review will be conducted under the Texas Administrative Procedure Act. Any further relief sought is governed by Insurance Code §§36.201 - 36.205.

**Subchapter G. Notice and Processing Periods for Permit Applications**  
**28 TAC §1.804**

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §1.804 under Insurance Code §36.001.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**TEXT.**

**§1.804. Manner of Notice.**

Notice. Written notice that an application is complete or deficient will be delivered to the applicant by such means as will reasonably provide actual notice, such as through



a designated email address provided by the applicant under §1.1302 of this title (relating to Electronic Communications from the Texas Department of Insurance).

**Subchapter BB. Forms Privacy Notice**  
**28 TAC §1.2803**

**STATUTORY AUTHORITY.** The commissioner adopts amendments to 28 TAC §1.2803 under Government Code §559.004 and Insurance Code §36.001.

Government Code §559.004 requires each state governmental body to establish a reasonable procedure through which an individual is entitled to have the state governmental body correct information about the individual the state possesses that is incorrect.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**TEXT.**

**§1.2803. Notice About Certain Information Laws and Practices.**

(a) The following notice is hereby incorporated into all forms adopted directly or by reference under this title and for which the department collects information about an individual by means of a form that the individual completes and files with the department in a paper format or in an electronic format, including on the department's website.

Figure: 28 TAC §1.2803(a)

**NOTICE ABOUT CERTAIN INFORMATION LAWS AND PRACTICES**

With few exceptions, you are entitled to be informed about the information that the Texas Department of Insurance (TDI) collects about you. Under §552.021 and §552.023 of the Texas Government Code, you have a right to review or receive copies of information about yourself, including private information. However, TDI may withhold information for reasons other than to protect your right to privacy. Under §559.004 of the Texas Government Code, you are entitled to request that TDI correct information that TDI has about you that is incorrect. For more information about the procedure and costs for obtaining information from TDI or about the procedure for correcting information kept by TDI, please contact [RecordCorrections@tdi.texas.gov](mailto:RecordCorrections@tdi.texas.gov) or visit TDI's website at [www.tdi.texas.gov](http://www.tdi.texas.gov) to find instructions on how to correct incorrect information.

(b) The notice incorporated by subsection (a) of this section will be deemed incorporated into such forms as of the effective date of this section.

**CERTIFICATION.** This agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Issued at Austin, Texas, on May 17, 2023.

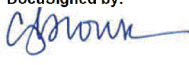
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*Jessica Barta*  
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Jessica Barta, General Counsel  
Texas Department of Insurance

The amendments to 28 TAC §§1.208 - 1.210, 1.601, 1.602, 1.705, 1.804, and 1.2803 are adopted.

# 2023-7974

TITLE 28. INSURANCE  
Part I. Texas Department of Insurance  
Chapter 1. General Administration

Adopted Sections  
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Cassie Brown  
Commissioner of Insurance

Commissioner's Order No. 2023-7974