

**SUBCHAPTER A. RULES OF PRACTICE AND PROCEDURE
DIVISION 2. RULEMAKING PROCEDURES
28 TAC §§1.208 - 1.210 AND**

**SUBCHAPTER E. NOTICE OF TOLL-FREE TELEPHONE NUMBERS AND
PROCEDURES FOR OBTAINING INFORMATION AND FILING COMPLAINTS
28 TAC §1.601 AND §1.602**

1. INTRODUCTION. The Texas Department of Insurance proposes new 28 TAC §§1.208 - 1.210, concerning changes to TDI contact information. TDI also proposes amendments to 28 TAC §1.601, concerning notice of toll-free numbers and information and complaint procedures. TDI further proposes amendments to 28 TAC §1.602, concerning notice of TDI's Internet website. These amendments and new sections are necessary to update TDI contact information that appears in rules and forms. These amendments and new sections are also necessary to ensure that the public receives updated TDI contact information.

Specifically, these amendments and new sections are necessary because TDI has changed many of its telephone numbers. TDI recently replaced the telephone system at the William P. Hobby building. Most telephone numbers at the Hobby Building changed on December 18, 2014. Fax numbers with the 512-490-xxxx prefix did not change. TDI anticipates that the numbers for personnel at TDI field offices for Financial Examinations, Windstorm Inspections, and the State Fire Marshal's Office will change in January 2015.

These amendments and new sections are also necessary because, in 2010, the Texas Department of Information Resources adopted an Internet and email Domain Name Management Policy that designated “texas.gov” as the primary domain name for Texas governmental entities. The Department of Information Resources encouraged state agencies to migrate to “texas.gov” and rebrand their agency websites and email addresses within a fiscally responsible and reasonable time frame. In 2012, TDI changed its domain name from “tdi.state.tx.us” to “tdi.texas.gov.” All TDI email address extensions also changed from “tdi.state.tx.us” to “tdi.texas.gov.”

Additionally, in 1990, TDI relocated from 1110 San Jacinto Boulevard, Austin, Texas, 78701, to the Hobby Building at 333 Guadalupe, Austin, Texas 78701.

Summary of the proposed amendments and new sections. TDI will set an effective date for the proposed amendments and new sections that will be no less than 60 days after the adopted rule is filed with the secretary of state.

Proposed new §1.208(a) provides that §§1.208 - 1.210 establish requirements to ensure that the public receives updated TDI contact information. Proposed new §1.208(b) provides that §§1.208 - 1.210 apply to all documents or information provided to consumers or the public, including contracts, policies, evidences of coverage, bonds, certificates of insurance, and notices that are delivered, issued for delivery, or renewed in this state and subject to regulation under the Insurance Code, except as specified in proposed new §1.210.

Proposed new §1.209 updates rules and forms that reference old TDI telephone numbers, facsimile numbers, email addresses, the website address, and the street address with new contact information. Specifically, proposed new §1.209(a)(1) provides that where a section in Title 28, Part 1 references the domain name “tdi.state.tx.us” in a website or email address, this subsection substitutes “tdi.texas.gov” as the new domain name. Proposed new §1.209(a)(1) further requires insurers, HMOs, and other regulated persons to update all of their documents and information described in §1.208(b) to indicate the current domain name for TDI.

Proposed new §1.209(a)(2) provides that where a section in Title 28, Part 1 references certain telephone or fax numbers, this subsection substitutes the new designated numbers. Section 1.209(a)(2) further requires insurers, HMOs, and other regulated persons to update all relevant documents and information described in §1.208(b) with current telephone and facsimile numbers.

Proposed new §1.209(b) provides that where a section in Title 28, Part 1 references the TDI address at 1110 San Jacinto Boulevard, Austin, Texas 78701, this subsection substitutes 333 Guadalupe Street, Austin, Texas 78701. Proposed new §1.209(b) further requires insurers, HMOs, and other regulated persons to update all of their documents and information described in §1.208(b) to indicate the current address.

Proposed new §1.209(c) provides that insurers, HMOs, and other regulated persons may refer to TDI’s website at www.tdi.texas.gov/rules/index.html for a chart that identifies specific rules and forms affected by this proposal. Specifically, this chart

identifies and updates rules and figures that include outdated TDI contact information, including forms and other documents adopted by reference when the body of the form or document includes old TDI contact information.

Proposed new §1.210 requires insurers and HMOs, as applicable, to provide the updated Important Notice in §1.601 or §1.602 of this subchapter to their customers who have contracts, plans, or policies that are in effect but do not expire. This notice must be provided not later than one year after the effective date of this rule.

Proposed new §1.210 does not apply to title insurance agents or title insurance companies because title insurance companies do not keep accessible records of policyholder names and addresses. Additionally, title policies last indefinitely, leaving companies with no practical way to determine whether a policy is still in effect. The cost for title insurance companies to contact all current policyholders is prohibitive and TDI will not impose this requirement. Like all other companies, however, title agents must update the Important Notice that accompanies new policies.

Proposed amendments to §1.601(a)(3) and §1.602(b)(1)(B) update TDI's telephone number, email address, and website address in the Important Notice. These proposed amendments are necessary because Insurance Code §32.104(b) requires insurers to provide notice of the Internet website required by Subchapter D with each residential property insurance or personal automobile insurance policy issued in this state. Insurance Code §521.005(a) also provides that each insurance policy delivered or issued for delivery in this state must include with the policy a brief written notice that

includes a suggested procedure to be followed by a policyholder with a dispute concerning the policyholder's claim or premium, TDI's name and address, and TDI's toll-free telephone number maintained under Subchapter B.

Proposed amendments to §1.601 and §1.602 make non-substantive grammatical and stylistic changes for consistency with TDI's writing style.

Proposed amendments to §§1.601(a)(3), 1.601(b)(7) and (b)(8), 1.602(b)(1)(B), and 1.602(b)(2) also make nonsubstantive grammatical and stylistic changes to the Spanish language portion in the Important Notice and rule provisions for consistency with the agency's writing style. Additionally, this proposal amends §1.601(c)(2)(A) to update mail codes. Life, Accident, and Health and HMO forms are now filed in the Rate and Form Review Office, Mail Code 106-1A. This proposal also deletes §1.601(g).

2. FISCAL NOTE. Stanton Strickland, associate commissioner, Legal Section, has determined that for each year of the first five years the proposed amendments and new sections will be in effect, there will be no fiscal impact to state and local governments as a result of the enforcement or administration of the proposal. There will be no measurable effect on local employment or the local economy as a result of the proposal.

3. PUBLIC BENEFIT/COST NOTE. Mr. Strickland has also determined that for each year of the first five years the proposed amendments and new sections are in effect, the public benefit anticipated as a result of the proposal is providing correct contact information to the public for communication with TDI.

The costs required to comply with the proposal may include administrative and computer programming costs. Insurers, HMOs, and other regulated persons may calculate the total cost of labor for each category by multiplying the number of estimated hours for each cost component by the median hourly wage for each category of labor. The median hourly wage for each category is published online by the Texas Workforce Commission as follows:

- (a) a computer programmer: \$40.33
- (b) an administrative assistant: \$15.05

Administrative expenditures could also include postage and the cost of updating and printing new documents, forms, and notices to reflect the changed information. It is not feasible for TDI to estimate the total increased printing, copying, mailing, and transmitting costs attributable to compliance with this proposal because there are numerous factors involved that are not suited to reliable quantification by TDI. However, according to the United States Postal Service business price calculator, available at dbcalc.usps.gov, the current cost to mail a machinable letter in a single standard business mail envelope with a weight limit of 3.3 ounces to a standard five-digit Zip code in the United States is \$1.12. TDI estimates that a standard business envelope costs 1.6 cents. TDI further estimates that printing or copying costs between 6 and 8 cents per page. TDI believes that regulated persons will avoid most mailing costs

as a result of compliance by providing the new TDI contact information with the policy or certificate at the time of issuance or renewal or with other updated materials that are prepared for distribution.

TDI estimates that preparation of the changes to TDI's contact information will likely require a one-time cost of approximately two to 10 hours of administrative staff time. The cost will vary depending on whether an administrative assistant or a computer programmer, or a combination of both positions, perform this function.

4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES. Government Code §2006.002(c) requires that if a proposed rule may have an adverse economic impact on small businesses, state agencies must prepare an economic impact statement that assesses the potential impact of the proposed rule on small businesses. State agencies must also prepare a regulatory flexibility analysis that considers alternative methods to achieve the purpose of the rule. Government Code §2006.001(2) defines a "small business" as a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit, is independently owned and operated, and has fewer than 100 employees or less than \$6 million in annual gross receipts. Government Code §2006.001(1) defines a "micro business" similarly to a "small business" but specifies that a micro business may not have more than 20 employees. Government Code §2006.002(f) requires a state agency to adopt

provisions concerning micro businesses that are uniform with those provisions outlined under Government Code §2006.002(b)-(d).

As required by Government Code §2006.002(c), TDI has determined the proposal may have an adverse economic impact on small or micro businesses resulting from the costs to comply with the proposed amendments and new sections. Based on gross premium information available to TDI as of September 2014, approximately 117 insurance companies and HMOs are small or micro businesses subject to this proposal. Also, there are approximately 35 independent review organizations that are small or micro businesses subject to this proposal, and there are approximately 571 title agents, many of which may be small or micro businesses. TDI does not have information available to determine the approximate number of small or micro businesses for other types of regulated persons that would need to update TDI contact information under this proposal.

The cost of compliance with the proposal varies between large businesses and small or micro businesses based only on the number of policyholders and other consumers. Costs to companies with more policyholders or consumers total more than those with few policyholders or consumers, but may be less per customer due to volume. TDI's cost analysis and resulting estimated costs in the Public Benefit/Cost Note portion of this proposal apply equally to small and micro businesses. To waive or modify the requirements of this proposal for small and micro businesses would result in a disparate effect on policyholders and others affected by this proposal.

The purpose of the proposal is to ensure that the public receives current TDI contact information. The other regulatory methods considered by TDI to accomplish the objectives of the proposal and to minimize any adverse impact on small and micro businesses include: (i) not proposing the amendments and new sections; (ii) proposing different requirements for small and micro businesses; and (iii) excluding small and micro businesses from the application of this proposal. Additionally, the Insurance Code does not exempt small or micro businesses from providing the Importance Notice to consumers.

Not proposing the amendments and new sections. As previously noted, the purpose of this rule proposal is to ensure that the public receives current TDI contact information. If TDI did not propose this rule, policyholders and other consumers would continue to receive incorrect notices about TDI's contact information. For this reason, TDI has rejected this option.

Proposing different requirements for small and micro businesses. TDI believes that proposing different standards than those included in this proposal would not provide a better option for small and micro businesses. Policyholders and other consumers would not know the different regulations that a small and micro business would follow. Further, policyholders and other consumers would receive different contact information for TDI, possibly causing them to experience confusion and potential harm. For these reasons, TDI has rejected this option.

Excluding small and micro businesses from applicability under this

proposal. If TDI excluded small and micro businesses from this proposal, they would not be required to inform policyholders and other consumers about TDI's current contact information. TDI believes that the lack of consistency within the industry would create potential harm to policyholders and consumers that would outweigh the potential benefit to small and micro businesses. It is necessary for this proposal to apply to small and micro businesses. For this reason, TDI has rejected this option.

Under Government Code §2006.002(c-1), TDI has determined that, although the proposal might have an adverse economic effect on small and micro businesses required to comply with it, the proposal does not require a regulatory flexibility analysis under Government Code §2006.002(c)(2). Section 2006.002(c)(2) requires that a state agency, before adopting a rule that may have an adverse economic effect on small businesses, prepare a regulatory flexibility analysis that includes the agency's consideration of alternative methods of achieving the purpose of the proposed rule. Government Code §2006.002(c-1) requires that the flexibility analysis consider, if consistent with the health, safety, and environmental and economic welfare of the state, using regulatory methods that will accomplish the objectives of the applicable rules while minimizing adverse impacts on small businesses. An agency is not required to consider alternatives that, while possibly minimizing adverse impacts on small and micro businesses, would not be protective of the health, safety, and environmental and economic welfare of the state. Under this proposal, TDI has determined that different

requirements for small and micro businesses would not be protective of the economic welfare of the state.

5. TAKINGS IMPACT ASSESSMENT. TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

6. REQUEST FOR PUBLIC COMMENT. If you wish to comment on this proposal you must do so in writing no later than 5:00 pm, Central time, on March 2, 2015. Send written comments by mail to the Office of Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, PO Box 149104, Austin, Texas 78714-9104; or by email to chiefclerk@tdi.texas.gov before the close of the public comment period. At the same time, submit an additional copy of the comment to Stanton Strickland, Associate Commissioner, Legal Section, Mail Code 110-1C, Texas Department of Insurance, PO Box 149104, Austin, Texas 78714-9104; or by email to stan.strickland@tdi.texas.gov. You must submit any request for a public hearing separately to the Office of Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, PO Box 149104, Austin, Texas 78714-9104; or by email to chiefclerk@tdi.texas.gov before the close of the public comment period. If a hearing is held, written and oral comments presented at the hearing will be considered.

7. STATUTORY AUTHORITY. The amendments and new sections are proposed under Insurance Code §§32.104(b), 521.005, 521.103(b), 1701.060(a), 2301.055, and §36.001. Section 32.104(b) provides that each insurer must provide notice of the Internet website required by Subchapter D in a conspicuous manner with each residential property insurance or personal automobile insurance policy issued in this state. Section 32.104(b) further requires the commissioner to determine the form and content of the notice.

Section 521.005(a) provides that each insurance policy delivered or issued for delivery in this state must include a brief written notice that includes a suggested procedure to be followed by a policyholder with a dispute concerning the policyholder's claim or premium, TDI's name and address, and TDI's toll-free telephone number maintained under Subchapter B. Section 521.005(b) requires the commissioner to adopt appropriate wording for the notice. Section 521.103(b) provides that the commissioner may adopt rules governing the manner in which the toll-free telephone number appears on the evidence of coverage or insurance policy.

Section 1701.060(a)(1) and (2) provides that the commissioner may adopt reasonable rules necessary to implement the purposes of Chapter 1701. Section 2301.055 provides that the commissioner may adopt reasonable and necessary rules to implement Chapter 2301. Section 36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement TDI's powers and duties under the Insurance Code and other laws of this state.

8. CROSS REFERENCE TO STATUTE. The proposed amendments and new sections for §§1.208 - 1.210, 1.601 and 1.602 affect the following statutes: Insurance Code §§32.104(b), 521.005, 521.103(b), 1701.060(a), and 2301.055.

9. TEXT.

§1.208. Purpose and Applicability.

(a) TDI has changed its Internet domain name and most of its telephone and fax numbers. TDI's 1-800 numbers have not changed. Sections 1.208 - 1.210 establish requirements to ensure that the public receives updated TDI contact information.

(b) Sections 1.208 - 1.210 apply to all documents or information provided to consumers or the public, 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.

§1.209. Telephone, Facsimile, Email Address, Website Address, and Street Addresses in Rules, Forms.

(a) 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, facsimile numbers, email addresses, the website address, and the street address 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 subsection 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(b) of this chapter 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 subsection substitutes the new number as referenced in Figure: 28 TAC §1.209(a)(2). Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(b) of this chapter to reflect the current telephone and facsimile numbers.

Figure: 28 TAC §1.209(a)(2):

Telephone or Fax Number in Rule, Form, or Figure	New Telephone and Fax Number
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)

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

512-322-3401 (telephone)	512-676-6889 (telephone)
512-322-3409 (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)	512-676-6676 (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)

(b) Where a section in Title 28, Part 1 references the address at 1110

San Jacinto Boulevard, Austin Texas 78701, this subsection substitutes 333 Guadalupe Street, Austin Texas 78701. Insurers, HMOs, and other regulated persons must update all their documents and information described in §1.208(b) to reflect the new address.

(c) Specific rules and forms affected by this subsection are listed on

TDI's Rules main page on the TDI website at www.tdi.texas.gov/rules/index.html.

§1.210. Notice to Customers. For contracts, plans, or policies that are in effect but do not expire, insurers and HMOs must notify their customers by providing the updated Important Notice in §1.601 and §1.602, as applicable, of this chapter, not later than one year after the effective date of this rule. This section does not apply to title insurance agents or title insurance companies.

§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 by which insurers and health maintenance organizations (HMOs) may comply with the notice requirements of [the] Insurance Code §521.103, and the means by which insurers may

comply with the notice requirements of ~~the~~ Insurance Code §521.005 and §521.056.

Compliance with this section is deemed compliance with these notice requirements.

(2) Except as provided by subsection (b)(3), this section applies to any new or renewal insurance policy, bond, annuity contract, subscriber contract, health care plan, certificate, and evidence of coverage issued for delivery in this state on or after May 1, 1992.

(3) All policies, certificates, or evidences of coverage that ~~which~~ are delivered, issued for delivery, or renewed in the State of Texas on or after May 1, 1992, by insurers or HMOs must ~~shall~~ have the notice included as the first, second, or third page of the policy, certificate, evidence of coverage, or first written communication indicating renewal of coverage, under ~~pursuant to~~ the provisions of subsection (b) of this section. The notice must appear on a full, separate page with no text other than that provided in this section. The form of the notice must ~~shall~~ be as provided by subsection (b) of this section. The item numbers 1 - 8 in the left-hand column of this form correspond to the respective paragraphs of subsection (b) of this section, and the item numbers may be omitted from the notice.

Figure: 28 TAC §1.601(a)(3):

1 IMPORTANT NOTICE

1 AVISO IMPORTANTE

To obtain information or make a complaint: Para obtener información ~~informacion~~ o para presentar ~~soneter~~ una queja:

2 You may contact your (title) at
(telephone number).

3 You may call (company)'s toll-free
telephone number for information or to
make a complaint at:
1-XXX-XXX-XXXX

4 You may also write to (company) at:

5 You may contact the Texas Department
of Insurance to obtain information on
companies, coverages, rights, or
complaints at:
1-800-252-3439

6 You may write the Texas Department of
Insurance:
P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007 [(512) 475-1774]
Web: www.tdi.texas.gov
[<http://www.tdi.state.tx.us>]

2 Usted puede [~~Puede~~] comunicarse con su (title)
al (telephone number).

3 Usted puede llamar al número [~~numero~~] de
teléfono gratuito [~~teléfono gratis~~] de (company)'s
para obtener información [~~informacion~~] o para
presentar [~~semeter~~] una queja al:
1-XXX-XXX-XXXX

4 Usted también [~~tambien~~] puede escribir a
(company):

5 Usted puede [~~Puede~~] comunicarse con el
Departamento de Seguros de Texas para obtener
información sobre compañías [~~información acerca
de compañías~~], coberturas, derechos, o quejas al:
1-800-252-3439

6 Usted puede [~~Puede~~] escribir al Departamento
de Seguros de Texas a:
P.O. Box 149104
Austin, TX 78714-9104
Fax: (512) 490-1007 [(512) 475-1774]

E-mail:

ConsumerProtection@tdi.texas.gov

[ConsumerProtection@tdi.state.tx.us]

7 PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim, you should contact the (agent) (company) (agent or the company) first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

8 ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.

Sitio web: www.tdi.texas.gov

[http://www.tdi.state.tx.us]

E-mail: ConsumerProtection@tdi.texas.gov

[ConsumerProtection@tdi.state.tx.us]

7 DISPUTAS POR [SOBRE] PRIMAS DE

SEGUROS O RECLAMACIONES [RECLAMOS]:

Si tiene una disputa relacionada con [concerniente a] su prima de seguro o con una reclamación [o a un reclamo], usted debe comunicarse con (el [el] agente) (la compañía [compañia]) (el agente o la compañía [compañia]) primero. Si [~~no se resuelve~~] la disputa no es resuelta, puede [entonces] comunicarse con el Departamento de Seguros de Texas [~~departamento (TDI)~~].

8 ADJUNTE [UNA] ESTE AVISO A SU PÓLIZA

[POLIZA]: Este aviso es solamente [solo] para propósitos informativos [~~propósito de informacion~~] y no se convierte en parte o en condición [~~condicion~~] del documento adjunto.

(b) Notice requirements. Each respectively numbered item in the notice provided in subsection (a)(3) of this section must be set out as provided in this

subsection. There must be at least one blank line between each item, but the text within each item may be single-spaced. The Spanish portion of each item included in a company's notice is required only for personal automobile, homeowners, ~~[and]~~ life, accident, and health policies, certificates, and evidences of coverage. Text must ~~[shall]~~ be in at least 10-point type. The letterhead of the insurer or HMO and any automated form identification numbers may be included on the notice.

(1) Item 1 must be included in all notices. "Important Notice" and "Aviso Importante" must be in all capital letters and in at least 10-point bold ~~[boldface]~~ type. There must be at least one blank line below "Important Notice" and "Aviso Importante."

(2) Item 2 is optional. The title for the English portion may be either "agent," "third party administrator," "managing general agent," or "employee benefits coordinator." The title for the Spanish portion may be either "agente," "administrador tercero," "agente general," or "administrador de beneficios para empleados." Instead ~~[In lieu]~~ of a specific telephone number, the insurer or HMO may refer to the applicable telephone number and where it can be found.

(3) Item 3 is required unless one of the exemptions provided in this subsection applies. For purposes of this section a toll-free telephone number is one that ~~[which]~~ can be used by any covered person to obtain information or make a complaint without incurring long-distance calling expenses. The insurer's or HMO's toll-free number must appear in at least 10-point bold ~~[boldface]~~ type and must be preceded and followed by one blank line. Item 3 is not required for an insurer or HMO:

(A) whose gross initial premium receipts collected in this state are less than \$2 million a year;

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

(C) that is a surplus lines insurer; or

(D) with respect to certificates of insurance issued under a group policy:

(i) if the insurer does not administer the group policy or determine questions of coverage; or

(ii) if the policyholder to whom the policy is issued is an employer or a labor union.

(4) Item 4 is optional. If used, the insurer's or HMO's name and address must be inserted.

(5) Item 5 is required on all notices. The toll-free number must be in at least 10-point bold [~~boldface~~] type and must be preceded and followed by one blank line.

(6) Item 6 is required on all notices.

(7) Item 7 is required on all notices except those notices provided by HMOs with evidences of coverage. "Premium or claim disputes" and "Disputas sobre primas o reclamos" must be in all capital letters and 10-point bold [~~boldface~~] type. The insurer may insert either "agent," "company," or "agent or company" and may insert either "el agente," "la compañía [~~compania~~]," or "el agente o la compañía [~~compania~~]."

(8) Item 8 is required on all notices. “Attach this notice to your policy” and “Adjunte [~~Una~~] este aviso a su póliza [~~poliza~~]” must be in all capital letters and 10-point bold [~~boldface~~] type.

(c) Exceptions to notice requirements for insurer’s toll-free number.

(1) Requirements. Any exception claimed under [~~pursuant to~~] subsection (b)(3)(A) of this section for a policy, certificate, or evidence of coverage delivered, issued for delivery, or renewed in a given year must be based on gross initial premium receipts collected in Texas during the previous calendar year. Any insurer or health maintenance organization claiming an exception must provide to TDI [~~the Texas Department of Insurance~~], at a minimum, the following information:

(A) a statement reciting the statutory basis for the exception;

(B) a statement detailing the amount of gross initial premium receipts collected in this state for the calendar year immediately preceding the calendar year for which an exception is claimed; and

(C) an affirmation by the chief executive officer or chief financial officer of the insurer or HMO [~~health maintenance organization~~] certifying that he or she has reviewed the information and that the [~~such~~] filed information is true, accurate, and complete, based on [~~upon~~] that person's best knowledge, information, and belief.

(2) Procedure. This statement must be filed separately from all other forms and exception statements filed with respect to other matters pending before TDI

~~[the department]~~. Claims for exception must be addressed to the appropriate regulatory division within TDI ~~[the department]~~.

(A) Mail codes for the respective divisions are as follows:

(i) Rate and Form Review Office (Life, Accident, and Health, including HMO) 106-1A;

(ii) Property and Casualty (including Workers' Compensation) 104-3B;

(iii) Title 106-2T;

(iv) Risk Retention Groups 305-2C;

~~[(v) HMO — 106-1E]~~.

(B) Exception statements should be filed with the Texas Department of Insurance, (Name of Division), (Mail Code #), P.O. Box 149104, Austin, Texas 78714-9104.

(3) Duration of exception. Exceptions remain in effect for one year. The information required by paragraph (1) of this subsection must be provided to TDI ~~[the department]~~ no later than May 1, 1992, for calendar year 1992, and no later than March 15 of any subsequent year for which an exception is claimed.

(4) Policy and form filings. When an insurer or HMO ~~[health maintenance organization]~~ files a policy form or evidence of coverage with TDI ~~[the department]~~ for information or review, any exception to the requirements of this section about ~~[pertaining to]~~ the insurer's toll-free telephone number must be noted in the filing. If a

prior exception has not been granted, the documentation required by paragraph (1) of this subsection must be filed.

(5) Records maintenance. Except as specifically provided in subparagraphs (A) and (B) of this paragraph, beginning with calendar year 1993, any insurer or HMO [~~health maintenance organization~~] claiming an exception must maintain a system by which information about [~~pertaining to~~] receipt of initial premiums is tracked on a calendar-year [~~calendar year~~] basis. This information must [~~shall~~] include for each new policy written during a calendar year the following: 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 such insurance. This [~~Such~~] information and any other data on [~~upon~~] which the company relied in making the determination that it was entitled to the exception must [~~shall~~] be made available to TDI [~~the department~~] on [~~upon~~] request and is subject to examination by TDI [~~the department~~]. Failure by any insurer or HMO to maintain the information required in this paragraph or to provide [~~such~~] information to TDI [~~the department~~] on [~~upon~~] request constitutes grounds for enforcement [~~disciplinary~~] action that [~~which~~] may result in the cancellation, revocation, or suspension of the [~~such~~] insurer's or HMO's certificate of authority.

(A) Any insurer or HMO that [~~which~~] is authorized to write business in Texas and that [~~which~~] claims an exception to the maintenance of a toll-free telephone number for a calendar year is not required to maintain information about

~~[pertaining to]~~ initial premium receipts as set out in this paragraph in order to claim the exception if the exception is based on the criteria set out in any of clauses (i) - (iv) of this subparagraph, as follows:

(i) the ~~[such]~~ insurer or HMO claims the exception based on receipt of gross premiums of less than \$2 million for the prior calendar year for business written in this state, as reported on its annual statement;

(ii) the ~~[such]~~ insurer or HMO claims the exception based on receipt of gross first-year premiums of less than \$2 million for the prior calendar year for all business, as reported on its annual statement;

(iii) the ~~[such]~~ insurer or HMO writes business only in Texas and claims the exception based on receipt of gross first-year premiums of less than \$2 million for the prior calendar year, as reported on its annual statement; or

(iv) the ~~[such]~~ insurer or HMO claims the exception based on receipt of gross initial first-year premiums of less than \$2 million for business written in Texas, as reported on its annual statement.

(B) Any insurer or HMO that ~~[which]~~ is authorized to write business in Texas, but that ~~[which]~~ does not meet the criteria of subparagraph (A) of this paragraph and that ~~[which]~~ claims an exception based on receipt of gross first-year premiums of less than \$2 million for business written in this state, must maintain a system by which information about ~~[pertaining to]~~ receipt of first-year premiums for Texas business is tracked on a calendar-year ~~[calendar-year]~~ basis. This information

must [~~shall~~] include for each new policy written during a calendar year the following: the policy number; effective date of the policy; and amount of the first-year premium received, including any membership fees, assessments, dues, and any other considerations for the [~~such~~] insurance.

(d) Policies in force prior to May 1, 1992, and renewed on or after May 1, 1992. The notice required to be provided by this section must [~~shall~~] be provided with the first premium notice, or other communication indicating renewal of the coverage mailed or delivered after May 1, 1992.

(1) For all policies, certificates or evidences of coverage in force prior to May 1, 1992, and renewed by any insurer or HMO [~~health maintenance organization~~] on or after May 1, 1992, the notice required to be provided by this section must [~~shall~~] either be mailed or be personally delivered to the policyholder, certificate holder, or enrollee, except as provided by paragraph (2) of this subsection.

(2) For all group policies in force prior to May 1, 1992, and renewed by any insurer or HMO [~~health maintenance organization~~] on or after May 1, 1992, the notice required to be provided by this section may be provided to the group policyholder for delivery to each certificate holder or enrollee under the group policy, or it may be mailed directly to each certificate holder or enrollee by the insurer or HMO [~~health maintenance organization~~].

(e) Policies, bonds, annuity contracts, and certificates. Policies, bonds, annuity contracts, and certificates subject to the provisions of this section that [~~which~~] required

prior approval and were approved or filed prior to May 1, 1992, may be delivered or issued for delivery with the notice required by this section without refileing for approval.

(f) Additions to group coverage. When an individual is added as a certificate holder, annuitant, or enrollee to a policy or plan issued, delivered, or renewed on or after May 1, 1992, the notice required by this section must be included as the first, second, or third page of the certificate, annuity contract, or evidence of coverage.

~~[(g) These amendments are effective July 1, 2007].~~

§1.602. Notice of Internet 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).

(2) This section applies to insurers who comprise the top 25 insurance groups in the national market and who 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. Each insurer specified in subsection (a)(2) of this section 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)(3) of this subchapter (relating to Notice of Toll-Free Telephone Numbers and Information and Complaint Procedures) to the contrary, the insurer must include the following text between item 6 and item 7 in the notice required under §1.601(a)(3) with each policy specified in subsection (a)(3) of this section. The text must be in at least 10-point type. The website address “www.helpinsure.com” must be in bold ~~[boldface]~~ type and must be preceded by one blank line.

(A) “To obtain price and policy form comparisons and other information relating to residential property insurance and personal automobile insurance, you may visit the Texas Department of Insurance/Office of Public Insurance Counsel website: www.helpinsure.com” in the English portion; and

(B) “Para obtener formas ~~[de]~~ la comparación ~~[comparacion]~~ de precios y pólizas y para obtener otra información sobre el ~~[acerca del]~~ seguro de propiedad residencial y de ~~[del]~~ seguro de automóvil personal, visite el sitio web del Departamento de Seguros de Texas/Oficina ~~[Texas y la Oficina]~~ del Asesor Público de Seguros: www.helpinsure.com” in the Spanish portion.

Figure: 28 TAC §1.602(b)(1)(B):

1 IMPORTANT NOTICE

To obtain information or make a complaint:

2 You may contact your (title) at (telephone number).

3 You may call (company)'s toll-free telephone number for information or to make a complaint at:

1-XXX-XXX-XXXX

4 You may also write to (company) at:

5 You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights, or complaints at:

1 AVISO IMPORTANTE

Para obtener información [información] o para presentar [someter] una queja:

2 Usted puede [Puede] comunicarse con su (title) al (telephone number).

3 Usted puede llamar al número [numero] de teléfono [telefono] gratuito [gratis] de (company)'s para obtener información [información] o para presentar [someter] una queja al:

1-XXX-XXX-XXXX

4 Usted también [tambien] puede escribir a (company):

5 Usted puede [Puede] comunicarse con el Departamento de Seguros de Texas para obtener información [información] sobre compañías [~~acerca de compañías~~], coberturas, derechos, o quejas al:

1-800-252-3439

6 You may write the Texas Department of Insurance:

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007 [~~(512) 475-1771~~]

Web: www.tdi.texas.gov

[http://www.tdi.state.tx.us]

E-mail:

ConsumerProtection@tdi.texas.gov

[ConsumerProtection@tdi.state.tx.us]

To obtain price and policy form comparisons and other information relating to residential property insurance and personal automobile insurance, you may visit the Texas Department of Insurance/Office of Public Insurance Counsel website:

www.helpinsure.com

1-800-252-3439

6 Usted puede [~~Puede~~] escribir al

Departamento de Seguros de Texas a:

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007 [~~(512) 475-1771~~]

Sitio web: www.tdi.texas.gov

[http://www.tdi.state.tx.us]

E-mail:

ConsumerProtection@tdi.texas.gov

[ConsumerProtection@tdi.state.tx.us]

Para obtener formas para la comparación [~~de comparación~~] de precios y pólizas [~~pólizas~~] y para obtener otra información sobre el [~~información acerca del~~] seguro de propiedad residencial y de [~~del~~] seguro de automóvil personal, visite el sitio web del Departamento de Seguros de

7 PREMIUM OR CLAIM DISPUTES:

Should you have a dispute concerning your premium or about a claim you should contact the (agent) (company) (agent or the company) first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

8 ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.

Texas/Oficina [~~Texas y la Oficina~~] del Asesor Público [~~Publico~~] de Seguros:
www.helpinsure.com

7 DISPUTAS POR [SOBRE] PRIMAS DE SEGUROS O RECLAMACIONES [RECLAMOS]:

Si tiene una disputa relacionada con [~~concerniente a~~] su prima de seguro o con una reclamación [~~a un reclamo~~], usted debe comunicarse con (el [~~{~~]agente) (la compañía [~~compañia~~]) (el agente o la compañía [~~compañia~~]) primero. Si la disputa no es [~~se~~] resuelta, usted [~~resuelve la disputa,~~] puede [~~entonces~~] comunicarse con el Departamento de Seguros de Texas [~~departamento (TDI)~~].

8 ADJUNTE [UNA] ESTE AVISO A SU PÓLIZA [POLIZA]: Este aviso es solamente [~~sele~~] para propósitos

informativos [~~propósito informacien~~] y no se convierte en parte o en condición [~~condicion~~] del documento [~~document-o~~] adjunto.

(2) The insurer must provide the following notice in a conspicuous manner with each policy specified in subsection (a)(3) of this section. The notice must be printed in at least 10-point type and must be preceded and followed by at least one blank line. “Insurance Website Notice” and “Aviso Del [~~Anuncio Del~~] Sitio Web de Seguros” must be in all capital letters and boldface type and “www.helpinsure.com” must be in bold [~~boldface~~] type.

Figure: 28 TAC §1.602(b)(2):

INSURANCE WEBSITE NOTICE

To obtain price and policy form comparisons and other information relating to residential property insurance and personal automobile insurance, you may visit the Texas Department of Insurance/Office of Public Insurance Counsel website:

www.helpinsure.com.

AVISO [ANUNCIO] DEL SITIO WEB DE SEGUROS

Para obtener formas para la [~~de~~] comparación de precios y póliza y para obtener otra información sobre el [~~acerca del~~] seguro de propiedad residencial y de [~~del~~] seguro de automóvil personal, visite el sitio web del Departamento de Seguros de Texas/Oficina [~~Texas y la Oficina~~] del Asesor Público de Seguros:
www.helpinsure.com.

10. CERTIFICATION. This agency certifies that legal counsel has reviewed the proposal and found it to be within the agency's legal authority to adopt.

Issued at Austin, Texas, on January 15, 2015.



Sara Waitt
General Counsel
Texas Department of Insurance