

Petitioner § Before the
Public Counsel § Texas Department of Insurance
§
Office of Public Insurance Counsel § Austin, Texas
§

**Second Amended Petition to Adopt a Revised
Consumer Bill Of Rights for
Personal Automobile Insurance**

To the Honorable Kent C. Sullivan, Commissioner:

The Public Counsel for the Office of Public Insurance Counsel (OPIC), requests that the Texas Department of Insurance (TDI) adopt by rule the revised Consumer Bill of Rights for Personal Automobile Insurance in Exhibit A, and its Spanish translation in Exhibit A1, for the following reasons.

I.

Texas Insurance Code § 501.156 requires the Public Counsel to “submit to the department for adoption a consumer bill of rights appropriate to each personal line of insurance regulated by the department to be distributed on issuance of a policy by an insurer to each policyholder under department rules.”

II.

TDI has the authority to take the requested action under Insurance Code §§ 36.001, 36.002, and 501.156; and Chapter 2301.

III.

TDI adopted the current Consumer Bill of Rights for Personal Automobile Insurance on November 5, 2012; and it was effective on January 31, 2013. Since that time, changes in the law that affect the rights of insurance consumers have made the current version obsolete. Exhibit A, the revised Consumer Bill of Rights for Personal Automobile Insurance, has been updated for accuracy and rewritten in plain language. Exhibit A1 is the Spanish translation of Exhibit A. Because the current version is no longer accurate, adopting the revised version and its translation is necessary to ensure that insurers distribute correct information to current and new policyholders so that they are properly informed of their rights.

IV.

The Public Counsel submitted OPIC's first petition to adopt a revised Consumer Bill of Rights for Personal Automobile Insurance to TDI on August 22, 2019, and after discussions with TDI, submitted an amended petition on November 5, 2019. On March 30, 2020, TDI posted an informal draft of the rule and the revised Consumer Bill of Rights for Personal Automobile Insurance. Public comments were due on April 29, 2020. The Public Counsel made edits based on the public comments and discussions with TDI, and submits this second amended petition with its revised Exhibit A and the Spanish translation of Exhibit A in Exhibit A1.

V.

For consistency with the law and to ensure that consumers are accurately informed of their rights, the Public Counsel respectfully requests that the Commissioner adopt by rule the proposed revised Consumer Bill of Rights for Personal Automobile Insurance and the Spanish language translation of that document. The Public Counsel also requests that the Commissioner notify all insurers writing personal automobile insurance in the state that they must distribute the revised

Consumer Bill of Rights for Personal Automobile Insurance with each new personal automobile insurance policy and with renewal notices to current policyholders.

Respectfully submitted,



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DATE: June 8, 2020