

No. **92-0573**

**OFFICIAL ORDER**  
*of the*  
**COMMISSIONER OF INSURANCE**  
*of the*  
**STATE OF TEXAS**  
**AUSTIN, TEXAS**

Date **JUN 15 1992**

**Subject Considered:**

**ADOPTION OF FLESCH READING EASE TEST AND READABILITY REQUIREMENTS FOR PERSONAL FIRE, FARM AND RANCH OWNERS, HOMEOWNERS, PERSONAL AUTOMOBILE AND TITLE POLICY FORMS AND ENDORSEMENTS, WHICH SUPERCEDES COMMISSIONER OF INSURANCE ORDER NO. 92-0172, DATED FEBRUARY 24, 1992**

**General remarks and official action taken:**

On this day came on for consideration by the Commissioner of Insurance the establishment of standards for the use of plain language in personal automobile, personal fire, farm and ranch owners, homeowners or title insurance policy forms or endorsements. The provisions and conditions contained in this Order supercede all previous provisions and conditions contained in Commissioner of Insurance Order No. 92-0172, dated February 24, 1992. TEX. INS. CODE arts. 5.06, 5.35(f) and 9.07A provide that the State Board of Insurance may not adopt or approve such policy forms or endorsements if the policy forms or endorsements are not in plain language. Pursuant to TEX. INS. CODE art. 5.06, 5.35(f), and 9.07A, the Commissioner of Insurance has the duty and authority to establish a required minimum score on the Flesch reading ease test for purposes of determining whether such a policy or endorsement achieves a score of 40 or more on the Flesch reading ease test in order to be approved or adopted by the State Board of Insurance. This Order does not apply to policy language that is mandated by state or federal law.

The Flesch reading ease test shall be measured by the following method:

1. For an insurance policy or endorsement, the entire form shall be analyzed. However, endorsement forms containing fewer than 150 words are not subject to analysis.
2. The number of words and sentences in the text shall be counted and the total number of words divided by the total number of sentences. The figure obtained shall be multiplied by a factor of 1.015.

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3. The total number of syllables shall be counted and divided by the total number of words. The figure obtained shall be multiplied by a factor of 84.6.
4. The sum of the figures computed under paragraphs (2) and (3) herein subtracted from 216.835 equals the Flesch reading ease score for the insurance policy or endorsement.
5. For purposes of paragraphs (2), (3) and (4) herein:
  - a. a contraction, hyphenated word, or numbers and letters, when separated by spaces, shall be counted as one word;
  - b. a unit of words ending with a period, semicolon, or colon, excluding headings and captions, shall be counted as a sentence; and,
  - c. a syllable means a unit of spoken language consisting of one or more letters of a word as divided by an accepted dictionary. Where the dictionary shows two or more equally acceptable pronunciations of a word, the pronunciation containing fewer syllables may be used.
6. "Text" includes all printed matter except the following:
  - a. the name and address of the insurer; the name, number, or title of the policy; the table of contents or index; captions and subcaptions; specification pages, schedules or tables; and
  - b. any language required by any state or federal law, regulation or agency interpretation; any medical terminology; words which are defined in the insurance policy; and words or phrases which are legal terms of art; provided, however, the insurer identifies the language or terminology excepted by this subparagraph 6.b. and certifies in writing that the language or terminology is entitled to be excepted by this paragraph.

IT IS ORDERED that such a policy or endorsement shall be written in a clean and coherent manner on paper that does not measure more than 8 1/2 inches by 11 inches; wherever practical, use words with common and everyday meanings to facilitate readability and to aid the insured or policyholder in understanding the coverage provided; be printed, except for specification pages, schedules and tables, in not less than 10-point type, and except for applications, specification pages, schedules and tables, such type is at least one point leaded; be appropriately divided and captioned and prescribed in meaningful sequence; each section to contain an underlined, boldfaced or otherwise conspicuous title or caption at the beginning that indicates the nature of the subject matter included in or covered by the section; contain a table of contents or an index of the principal sections of the insurance policy if the insurance policy has more than 3,000

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words or if the insurance policy has more than three pages regardless of the number of words; have margins that are adequate for the purposes of readability; and be printed in such a manner that it includes sufficient contrast of ink and paper to be legible.

IT IS FURTHER ORDERED that the Flesch Reading Ease Test may be applied using acceptable computer software and computer systems.



GEORGIA D. FLINT  
Commissioner of Insurance