

**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**

**INTRODUCTION.** The commissioner of insurance adopts new 28 TAC §§1.208 - 1.210, concerning changes to TDI contact information. The commissioner also adopts amendments to 28 TAC §1.601 and §1.602, concerning notice of toll-free numbers and information and complaint procedures, and notice of TDI's Internet website. The amendments and new sections are adopted with changes to the proposed text published in the January 30, 2015, issue of the *Texas Register* (40 TexReg 424). Section 1.208, the heading to new 28 TAC §1.209, Figure: 28 TAC §1.209(a) (2), and 28 TAC §1.210 and §1.601 are adopted with changes to the proposed text. Section 1.602 is adopted without changes.

**REASONED JUSTIFICATION.** The 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. TDI recently replaced the telephone system at the William P. Hobby Jr. State Office Building, and changed most of its telephone numbers on December 18, 2014. Fax numbers with the 512-490-xxxx prefix did not change.

These amendments and new sections are also necessary because 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.” In 1990, TDI relocated from 1110 San Jacinto Boulevard, Austin, Texas, 78701, to the William P. Hobby Jr. State Office Building at 333 Guadalupe, Austin, Texas 78701.

These amendments are also necessary because Insurance Code §32.104(b) requires insurers to provide notice of the TDI website with each residential property insurance or personal automobile insurance policy issued in this state. Insurance Code §521.005(a) also requires that each insurance policy delivered or issued for delivery in this state include with the policy a brief written notice that includes TDI’s name, address, and toll-free telephone number.

TDI made nonsubstantive changes to some of the proposed language in the text of the rules. Some of the changes conform the language in the text to the agency writing style, but none of the changes introduce new subject matter or affect persons in addition to those subject to the proposal as published.

New 28 TAC §1.208 and §1.210 clarify that, except for the *Important Notice* requirements in 28 TAC 1.210, insurers, HMOs, and other regulated persons are not required to update TDI contact information that appears in previously issued documents that are not reissued to consumers. TDI added the year in 28 TAC §1.208(a) to indicate the date of the changes to the TDI Internet domain name and telephone and fax numbers. TDI also revised 28 TAC §1.208(b) to clarify that only documents and information that include TDI contact information must be updated. In response to

comments, TDI added subsection (c) to new 28 TAC §1.208, which states the date to update TDI's contact information in documents or other information provided to consumers or the public.

New 28 TAC §1.208(c) clarifies that documents and information described in new 28 TAC §1.208(b) and issued on or after December 1, 2015, must reflect the current TDI contact information in new 28 TAC §1.209, except as provided by new 28 TAC §1.208(d) and §1.210. In response to comments, TDI also added subsection (d) to new 28 TAC §1.208 to allow the continued use of previously printed forms. New 28 TAC §1.208(d) provides that, notwithstanding new 28 TAC §1.208(c), insurers, health maintenance organizations (HMOs), and other regulated persons may continue to use and issue documents and information described in new 28 TAC §1.208(b) until June 1, 2016, if the documents or information were printed before June 1, 2015.

In response to comments, TDI added new 28 TAC §1.208(e) to state that documents and information described in new 28 TAC §1.208(b) that were approved or filed, whichever is applicable, before June 1, 2015, may be delivered or issued for delivery without refiling. TDI also amended 28 TAC §1.601(e) to state that policies, bonds, annuity contracts, and certificates subject to 28 TAC §1.601 that required prior approval and were approved or filed before June 1, 2015, may be delivered or issued for delivery with the required notice without refiling for approval.

TDI replaced *addresses* with *address* in the heading for new 28 TAC §1.209. TDI replaced 512-676-6676 with 512-676-6392 in Figure: 28 TAC §1.209(a)(2) and in the chart on the TDI rules page at [www.tdi.texas.gov/rules/index.html](http://www.tdi.texas.gov/rules/index.html). TDI also

eliminated the duplicate number 512-322-3409 and its replacement number 512-676-6889 in Figure: 28 TAC §1.209(a)(2). In new 28 TAC §1.210, TDI also provided the date by which insurers and HMOs must provide their customers with the applicable updated *Important Notice* in 28 TAC §1.601 and §1.602. TDI made a nonsubstantive change to 28 TAC §1.601(c)(2)(A)(iv).

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

**Commenters.** TDI received written comments from three people. The commenters were: GSFS Group, Nationwide, and Service Group. GSFS Group was against the rule, but if the rule went forward, it requested certain changes. Nationwide and Service Group were for adoption with changes.

**Commenter:** Two commenters pointed out that replacing stocks of preprinted forms, or changing and incorporating notices that are part of preprinted policy packages would be very expensive. They cite costs ranging from \$9,000 to replace just one form to \$15,000 to replace 30,000 forms. Examples of additional costs include printing new forms, distributing new forms to agents, and destroying old stocks of preprinted forms.

**Agency Response:** To minimize the costs of replacing preprinted forms, TDI added subsection 1.208(d), which allows use of documents and information printed before June 1, 2015, until June 1, 2016.

**Comment:** All three commenters requested additional time to implement the new requirements. They asked for 60 days to six months to update information, update computer programs, change preprinted documents, and distribute the new documents and information.

**Agency Response:** TDI revised 28 TAC §1.208 to allow additional time to update and distribute documents and information described in 28 TAC §1.208(b), and to allow time to use preprinted forms. Insurers, HMOs, and other regulated persons will have until December 1, 2015, to begin providing updated documents and information under §1.208(c). New 28 TAC §1.208(c) clarifies that, except for the *Important Notice* requirements in 28 TAC §1.210, insurers, HMOs, and other regulated persons are not required to update previously issued documents that are not reissued to consumers. They may continue to use documents printed before June 1, 2015, until June 1, 2016, under §1.208(d). These changes will allow insurers, HMOs, and other regulated persons to reduce and more easily absorb the costs of updating forms. As proposed, new §1.210 allows additional time to update the *Important Notice* in 28 TAC §1.601 and §1.602. This adoption, however, clarifies that insurers and HMOs must provide their customers with the applicable updated *Important Notice* in 28 TAC §1.601 and §1.602 not later than June 1, 2016. Insurers and HMOs may also reduce their costs by including the updated *Important Notice* in §1.601 and §1.602 with other necessary mailings; for example, renewals, billing statements, and annual illustrations.

**Comment:** A commenter states that requiring companies to update the notice to policyholders is cost prohibitive. The commenter recommends that TDI find alternative methods to ensure that the public receives the current contact information. The commenter suggests mail forwarding by the postal service, email forwarding with an auto reply that includes the new email address, placing a prominent notice of updated contact information on all correspondence and publications, call forwarding, updating voicemail and voice recognition unit messages, placing prominent notices on website pages, and automatic forwarding to the new website domain.

**Agency Response:** TDI agrees that it should inform the public about its current contact information. On December 19, 2014, TDI posted Commissioner's Bulletin B-0025-14 on its website to inform all regulated entities and the public about its new contact information. TDI also provided a listing of new key telephone numbers on its website at <http://www.tdi.texas.gov/general/keytel.html>. TDI declines to implement the other suggested methods of informing the public about its current contact information. TDI is unable to continue the availability of the old domain name and telephone numbers for an indefinite period due to cost. In the adopted rule, TDI has provided an extended period for insurers, HMOs, and other regulated persons to transition to the new requirements to help mitigate costs. TDI believes that the requirements in new 28 TAC §§1.208 - 1.210 establish the best means for insurers, HMOs, and other regulated persons to inform the public of updated TDI contact information when outdated information appears in documents and information provided to consumers or the public. TDI believes that consumers and the public are more likely to access the documents

and information provided to them as opposed to accessing TDI's updated contact information through the suggested alternative methods.

**Comment:** A commenter states that 28 TAC §1.601(e) currently indicates that policies subject to that section that required prior approval, and that were approved or filed before May 1, 1992, may be delivered or issued for delivery with the notice without refiling for approval. The commenter recommends that TDI extend the exemption from filing in 28 TAC §1.601(e) to forms filed before adoption of the revised form. Another commenter asks TDI to clarify whether companies are required to refile policy forms after changes are made to update the contact information.

**Agency Response:** TDI clarifies that companies are not required to refile the policy forms that include the required notice after changes are made to update the TDI contact information. The adoption order adds new 28 TAC §1.208(e) to state that documents and information described in subsection new 28 TAC §1.208(b) that were approved or filed, whichever is applicable, before June 1, 2015, may be delivered or issued for delivery without refiling. TDI also amended 28 TAC §1.601(e) to state that policies, bonds, annuity contracts, and certificates subject to 28 TAC §1.601 that required prior approval and were approved or filed before June 1, 2015, may be delivered or issued for delivery with the required notice without refiling for approval. However, a company may not make changes to forms that are unrelated to this rule without refiling the forms.

**STATUTORY AUTHORITY.** The amendments and new sections are adopted 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 TDI Internet website 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 TDI's name, address, and toll-free telephone number. 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.



**TEXT****§1.208. Purpose and Applicability.**

(a) TDI changed its Internet domain name and most of its telephone and fax numbers, as of 2015. TDI's 1-800 numbers did not change. 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 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.

(c) Documents and information described in subsection (b) of this section and issued on or after December 1, 2015, must reflect the current TDI contact information described in §1.209 of this chapter, except as provided by subsection (d) of this section and §1.210.

(d) Notwithstanding subsection (c) of this section, insurers, health maintenance organizations (HMOs), and other regulated persons may continue to use and issue documents and information described in subsection (b) of this section until June 1, 2016, if the documents or information were printed before June 1, 2015.

(e) Documents and information described in subsection (b) of this section that were approved or filed, whichever is applicable, before June 1, 2015, may be delivered or issued for delivery without refiling.

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

(a) The purpose of this section is to update TDI rules and to require insurers, 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.

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Figure: 28 TAC §1.209(a)(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)

(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 page at [www.tdi.texas.gov/rules/index.html](http://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 applicable updated *Important Notice* in §1.601 and §1.602 of this chapter, not later than June 1, 2016. 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 Insurance Code §521.103, and the means by which insurers may comply with the notice requirements of 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 are delivered, issued for delivery, or renewed in the State of Texas on or after May 1, 1992, by insurers or HMOs must 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 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 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**

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:

**1-800-252-3439**

6 You may write the Texas Department of  
Insurance:

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007

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

E-mail:

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

**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

**1 AVISO IMPORTANTE**

Para obtener información o para presentar una  
queja:

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

3 Usted puede llamar al número de teléfono  
gratuito de (company)'s para obtener información  
o para presentar una queja al:

**1-XXX-XXX-XXXX**

4 Usted también puede escribir a (company):

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

**1-800-252-3439**

6 Usted puede escribir al Departamento de  
Seguros de Texas a:

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007

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

E-mail: [ConsumerProtection@tdi.texas.gov](mailto:ConsumerProtection@tdi.texas.gov)

**7 DISPUTAS POR PRIMAS DE SEGUROS O  
RECLAMACIONES:**

Si tiene una disputa relacionada con su prima de  
seguro o con una reclamación, usted debe

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.

comunicarse con (el agente) (la compañía) (el agente o la compañía) primero. Si la disputa no es resuelta, usted puede comunicarse con el Departamento de Seguros de Texas.

**8 ADJUNTE ESTE AVISO A SU PÓLIZA:** Este aviso es solamente para propósitos informativos y no se convierte en parte o en condición 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, life, accident, and health policies, certificates, and evidences of coverage. Text must 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 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 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 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 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 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 type. The insurer may insert either "agent," "company," or "agent or company" and may insert either "el agente," "la compañía," or "el agente o la compañía."

(8) Item 8 is required on all notices. "Attach this notice to your policy" and "Adjunte este aviso a su póliza" must be in all capital letters and 10-point bold type.

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

(1) Requirements. Any exception claimed under 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 HMO claiming an exception must provide to TDI, 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 certifying that he or she has reviewed the information and that the filed information is true, accurate, and complete, based on 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. Claims for exception must be addressed to the appropriate regulatory division within TDI.

(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.

(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 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 files a policy form or evidence of coverage with TDI for information or review, any exception to the requirements of this section about 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 claiming an exception must maintain a system by which information about receipt of initial premiums is tracked on a calendar-year basis. This information must 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 that insurance. This information and any other data on which the company relied in making the determination that it was entitled to the exception must be made available to TDI on request and is subject to examination by TDI. Failure by any insurer or HMO to maintain the information required in this paragraph or to provide information to TDI 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.

(A) Any insurer or HMO that is authorized to write business in Texas and that claims an exception to the maintenance of a toll-free telephone number for a calendar year is not required to maintain information about 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 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 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 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 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 is authorized to write business in Texas, but that does not meet the criteria of subparagraph (A) of this paragraph and that 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 receipt of first-year premiums for Texas business is tracked on a calendar-year basis. This information must include the following information for each new policy written during a calendar year: 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 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 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 on or after May 1, 1992, the notice required to be provided by this section must 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 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.

(e) Policies, bonds, annuity contracts, and certificates. Policies, bonds, annuity contracts, and certificates subject to the provisions of this section that required prior approval and were approved or filed before June 1, 2015, may be delivered or issued for delivery with the notice required by this section without refile 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.

**§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 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 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](http://www.helpinsure.com)” in the English portion; and

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

**1-800-252-3439**

6 You may write the Texas Department of

### 1 AVISO IMPORTANTE

Para obtener información o para presentar una queja:

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

3 Usted puede llamar al número de teléfono gratuito de (company)’s para obtener información o para presentar una queja al:

**1-XXX-XXX-XXXX**

4 Usted también puede escribir a (company):

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

**Insurance:**

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007

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

E-mail:

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

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](http://www.helpinsure.com)****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.

**1-800-252-3439**

6 Usted puede escribir al Departamento de Seguros de Texas a:

P.O. Box 149104

Austin, TX 78714-9104

Fax: (512) 490-1007

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

E-mail:

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

Para obtener formas para la comparación de precios y pólizas y para obtener otra información sobre el seguro de propiedad residencial y de seguro de automóvil personal, visite el sitio web del Departamento de Seguros de Texas/Oficina del Asesor Público de Seguros:

**[www.helpinsure.com](http://www.helpinsure.com)****7 DISPUTAS POR PRIMAS DE SEGUROS O RECLAMACIONES:**

Si tiene una disputa relacionada con su prima de seguro o con una reclamación, usted debe comunicarse con (el agente) (la compañía) (el agente o la compañía) primero. Si la disputa no es resuelta, usted puede comunicarse con el Departamento de Seguros de Texas.

**8 ADJUNTE ESTE AVISO A SU****PÓLIZA:** Este aviso es solamente para



propósitos informativos y no se convierte en parte o en condición del documento 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 Sitio Web de Seguros” must be in all capital letters and boldface type and “www.helpinsure.com” must be in bold 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](http://www.helpinsure.com).

#### AVISO DEL SITIO WEB DE SEGUROS

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

[www.helpinsure.com](http://www.helpinsure.com).


**3952**

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

Adopted Sections  
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**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 11, 2015.



\_\_\_\_\_  
Sara Waitt  
General Counsel  
Texas Department of Insurance

The commissioner adopts new §§1.208 - 1.210 and amendments to §1.601 and §1.602.



\_\_\_\_\_  
David C. Mattax  
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **3952**