

1st Sub. S.B. 129
INSURANCE AMENDMENTS

Representative **James A. Dunnigan** proposes the following amendments:

1. *Page 2, Lines 49 through 50:*

49 (i) any right or option of the party to have the notice or document provided or made
50 available in paper or another ~~{non-electronic}~~ nonelectronic form;

2. *Page 3, Lines 75 through 82:*

75 (d) after consent of the party is given and ~~{if}~~ a change in the electronic delivery or
76 retrieval methods creates a substantial risk that the party will not be able to access or retain a
77 subsequent notice or document to which the consent applies, the insurer ~~{shall}~~ :
78 (i) ~~{provide}~~ provides the party with a statement of:
79 (A) the revised electronic delivery or retrieval methods; and
80 (B) the right of the party to withdraw consent without the imposition of any condition
81 or consequence that was not disclosed under Subsection (4)(b)(ii); and
82 (ii) ~~{comply}~~ complies with Subsection (4)(b);

3. *Page 4, Lines 105 through 116:*

105 (9) The legal effectiveness, validity, or enforceability of a contract or policy of
106 insurance executed by a party may not be denied solely because of the failure to obtain
107 electronic consent or confirmation of consent of the party in accordance with Subsection
108 ~~{(5)}~~ (4) (c)(ii).
109 (10) This section does not apply to a notice or document delivered by an insurer in an
110 electronic form before ~~{May 13, 2014}~~ July 1, 2014 , to a party who, before ~~{May 13,~~
111 2014} July 1, 2014 , has consented to
112 receive a notice or document in an electronic form otherwise allowed by law.
113 (11) If the consent of a party to receive certain notices or documents in an electronic
114 form is on file with an insurer before ~~{May 13, 2014}~~ July 1, 2014 , and pursuant to this section, an
115 insurer
116 intends to deliver an additional notice or document to the party in an electronic form, then
117 before delivering the additional notices or documents electronically, the insurer shall notify the
118 party of:

4. *Page 5, Lines 125 through 129:*

125 (b) If a ~~{provisions}~~ provision of this title or applicable law requires a signature, notice, or
126 document to be notarized, acknowledged, verified, or made under oath, the requirement is
127 satisfied if the electronic signature of the party authorized to perform those acts , together with
128 all other information required to be included by the provision, is attached to or logically
129 associated with the signature, notice, or document.