LEGISLATIVE REFERENCE BUREAU

AMENDMENTS TO HOUSE BILL NO. 1481

Sponsor: White

Printer's No. 2062

1 Amend Bill, page 1, line 11, by inserting after "for "
2 electronic delivery of information and posting of policies
3 and endorsements and for
4 Amend Bill, page 1, lines 15 through 17, by striking out all
5 of said lines and inserting
6 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
7 as The Insurance Company Law of 1921, is amended by adding a
8 section to read:
9 Section 354.7. Electronic Delivery of Information and
10 Posting of Policies and Endorsements.--(a) (1) With regard to
11 any law or regulation of this Commonwealth requiring an insurer
12 to provide, send or deliver information, notices or documents in
13 writing to an insured or applicant as part of an insurance
14 transaction if the insurer and the insured or applicant have
15 agreed to conduct a transaction by electronic means, the
16 requirement is satisfied if the information is provided, sent or
17 delivered, as the case may be, in an electronic record capable
18 of retention by the recipient at the time of receipt. An
19 electronic record is not capable of retention by the recipient
20 if the sender or its information processing system inhibits the
21 ability of the recipient to print or store the electronic
22 record. The provisions of the act of December 16, 1999 (P.L.971,
23 No.69), known as the "Electronic Transactions Act," shall
24 otherwise apply to the insurer and the insured or applicant with
25 respect to the providing, sending or delivering of the
26 information, notices or documents.
27 (2) Any law or regulation requiring an insurer to send
28 multiple copies of the information, notices or documents shall
29 not apply where the insurer provides, sends or delivers the
30 information, notices or documents in accordance with the
31 provisions of the "Electronic Transactions Act."
32 (3) An insurer providing, sending or delivering
33 information, notices or documents shall satisfy any font, size,
34 spacing or other format requirements if the electronic
35 information, notices or documents as provided, sent or delivered
36 by the insurer meet those requirements and may be printed or
37 saved by the insured or applicant using programs or applications

widely available on the Internet and free of charge to use.

(b) Notwithstanding subsection (a) or any other law or regulation of this Commonwealth requiring an insurer to provide, send or deliver an insurance policy or endorsement to an insured, an insurer may elect to post a policy or endorsement that does not contain personally identifiable information on its Internet website provided it complies with all of the following:

(1) The policy or endorsement is easily accessible on the Internet website so long as it is in force.

(2) The policy or endorsement is posted in a manner that enables the insured to print and save it using programs or applications widely available on the Internet and free of charge to use.

(3) The insurer provides notice, in the manner it normally communicates with the insured, at the time of issuance or renewal of the policy or endorsement, or at the time of any changes to the policy or endorsement, of a method by which the insured may obtain, upon request and without charge, a paper or electronic copy of the policy or endorsement, or any changes to them, and the Internet address where the policy and endorsement are posted.

(4) The insurer provides all of the following information on each declarations page, or similar document as appropriate to the line of coverage, provided to the insured at the time of issuance or renewal:

(i) A description of the exact policy and endorsement forms purchased by the insured.

(ii) A method by which the insured may obtain, upon request and without charge, a paper or electronic copy of the policy or endorsement, or any changes to them.

(iii) The Internet address where the policy and endorsement are posted.

(5) After expiration of the policy or endorsement, the insurer archives the expired policies or endorsements in accordance with the Insurance Department's general record retention requirements and makes them available upon request.

(c) Upon satisfactory evidence of the violation of this section by an insurer, the Insurance Commissioner may, in his discretion, pursue one or more of the following courses of action:

(1) Suspend or revoke the license of the insurer.

(2) Refuse, for a period not to exceed one year thereafter, to issue a new license to the insurer.

(3) Impose a fine of not more than one thousand dollars ($1,000) for each act in violation of this section.

Section 2. The act is amended by adding an article to read:

Amend Bill, page 12, line 29, by striking out all of said line and inserting

Section 3. This act shall take effect as follows:

1 (1) The addition of section 354.7 of the act shall take
2 effect in 60 days.
3 (2) This section shall take effect immediately.
4 (3) The remainder of this act shall take effect January
5 1, 2015.