CHAPTER 95

S.B. No. 733

AN ACT
relating to the Texas Automobile Insurance Plan Association.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 2151.103, Insurance Code, is amended to read as follows:

(c) The association may bring an action to collect an assessment against an authorized insurer that does not pay the assessment within a reasonable time. In addition, the association may report to the commissioner an authorized insurer’s failure to pay the assessment to the association. The commissioner may institute a disciplinary action against the insurer under Chapter 82.

SECTION 2. Subchapter B, Chapter 2151, Insurance Code, is amended by adding Section 2151.057 to read as follows:

Sec. 2151.057. COMMITTEE MEETINGS BY TELEPHONE AND VIDEOCONFERENCE. (a) Chapter 551, Government Code, applies to a meeting of the governing committee.

(b) Notwithstanding Chapter 551, Government Code, or any other law, the governing committee may meet by telephone conference call, videoconference, or other similar telecommunication method for any meeting purpose, including conducting a vote or establishing a quorum, regardless of the subject matter discussed or considered.

(c) A meeting authorized by this section is subject to the notice requirements that apply to other meetings of the governing committee under Chapter 551, Government Code.

(d) The notice of a meeting authorized by this section must:

(1) specify that the location of the meeting is a location at which at least one member of the governing committee is physically present; and

(2) state clear instructions and requirements for electronic attendance by a member of the committee.

(e) Each part of a meeting authorized by this section must be audible to the public at the location specified by Subsection (d).

(f) Two-way audio communication must be available during the entire meeting between all members of the governing committee attending a meeting authorized by this section, and if the two-way audio communication is disrupted so that a quorum of the committee is no longer participating in the meeting, the meeting may not continue until the two-way audio communication is reestablished.

SECTION 3. Subsections (a) and (b), Section 2151.153, Insurance Code, are amended to read as follows:

(a) The plan of operation must include an incentive program to encourage authorized insurers to write insurance on a voluntary basis and to minimize the use of the association as a means to obtain insurance.

(b) One incentive program must target underserved geographic areas, which the commissioner by rule shall designate. In designating underserved areas, the commissioner shall consider with respect to an area:

(1) the availability of insurance;

(2) the number of uninsured drivers;

(3) the number of drivers insured through the association; and

(4) any other relevant factor.

(b) The plan of operation may include other incentive programs to encourage authorized insurers to write insurance on a voluntary basis and to minimize the use of the association as a means to obtain insurance.
SECTION 4. Subsection (a), Section 2151.202, Insurance Code, is amended to read as follows:

(a) The association shall file [annually] with the department rates to be charged for insurance provided through the association for approval by the commissioner.

SECTION 5. Subchapter E, Chapter 2151, Insurance Code, is amended by adding Sections 2151.2021, 2151.2022, and 2151.2023 to read as follows:

Sec. 2151.2021. FILE AND USE. The association may use a rate, excluding a rate described by Section 2151.2041, on the later of the date specified by the association in the filing or the date the rate is approved or considered approved under this subchapter.

Sec. 2151.2022. COMMISSIONER ACTION ON CERTAIN RATE FILINGS. (a) Not later than the 30th day after the date the association files a rate, excluding a rate described by Section 2151.2041, the commissioner shall:

(1) approve the rate if the commissioner determines that the rate meets the standards under Section 2151.201; or

(2) disapprove the rate if the commissioner determines that the rate does not meet the standards under Section 2151.201.

(b) If the commissioner fails to act as required under Subsection (a) on or before the 30th day after the date the rate is filed, the rate is considered approved on the 31st day after the date of filing unless the approval period is extended under Subsection (c).

(c) The commissioner may extend the approval period under Subsection (a) for one additional period not to exceed 30 days. The commissioner and the association may agree to extend the approval period for additional periods not to exceed 30 days. If the commissioner does not affirmatively approve or disapprove the rate before the extended period expires, the rate is considered approved on the day after the date the extended period expires.

Sec. 2151.2023. NOTICE OF RATE APPROVAL OR DISAPPROVAL. The commissioner shall give written notice by first class mail or electronic mail to the association of the approval or disapproval of the rate filed under Section 2151.202 or that the rate is considered approved under Section 2151.2022.

SECTION 6. Subchapter E, Chapter 2151, Insurance Code, is amended by adding Section 2151.2041 to read as follows:

Sec. 2151.2041. HEARING ON CERTAIN RATE FILINGS. If the association files a rate under Section 2151.202 that exceeds 105 percent of the current average rate for each coverage written through the association on the date of the filing, the commissioner shall conduct a hearing under Section 2151.206.

SECTION 7. Section 2151.205, Insurance Code, is amended to read as follows:

Sec. 2151.205. OPPORTUNITY TO REVIEW FILING. Before approving, disapproving, or modifying a filing described by [made under] Section 2151.2041 [2151.202], the commissioner must provide to all interested persons a reasonable opportunity to:

(1) review the filing;

(2) obtain a copy of the filing on payment of any legally required copying cost; and

(3) submit to the commissioner written comments, analyses, or information related to the filing.

SECTION 8. Subsection (a), Section 2151.206, Insurance Code, is amended to read as follows:

(a) Not later than the 45th day after the date the department receives a filing described [required] by Section 2151.2041 [2151.202], the commissioner shall schedule a hearing at which interested persons may present written or oral comments relating to the filing.

SECTION 9. Section 2151.208, Insurance Code, is amended to read as follows:

Sec. 2151.208. AMENDED FILING. The association may file with the commissioner an amended filing to comply with the commissioner's comments not later than the 10th day after the date the association receives the commissioner's written disapproval under Section 2151.2023 or 2151.207.
SECTION 10. This Act applies to a rate filing made under Subchapter E, Chapter 2151, Insurance Code, as amended by this Act, on or after the effective date of this Act. A rate filing made before the effective date of this Act is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 27, 2013: Yeas 30, Nays 0; passed the House on May 2, 2013: Yeas 147, Nays 0, two present not voting.

Approved May 18, 2013.

Effective May 18, 2013.

CHAPTER 96

S.B. No. 743

AN ACT
relating to the penalties prescribed for repeated violations of certain court orders or conditions of bond in a family violence case.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 25, Penal Code, is amended by adding Section 25.072 to read as follows:

Sec. 25.072. REPEATED VIOLATION OF CERTAIN COURT ORDERS OR CONDITIONS OF BOND IN FAMILY VIOLENCE CASE. (a) A person commits an offense if, during a period that is 12 months or less in duration, the person two or more times engages in conduct that constitutes an offense under Section 25.07.

(b) If the jury is the trier of fact, members of the jury must agree unanimously that the defendant, during a period that is 12 months or less in duration, two or more times engaged in conduct that constituted an offense under Section 25.07.

(c) A defendant may not be convicted in the same criminal action of another offense an element of which is any conduct that is alleged as an element of the offense under Subsection (a) unless the other offense:

(1) is charged in the alternative;

(2) occurred outside the period in which the offense alleged under Subsection (a) was committed; or

(3) is considered by the trier of fact to be a lesser included offense of the offense alleged under Subsection (a).

(d) A defendant may not be charged with more than one count under Subsection (a) if all of the specific conduct that is alleged to have been engaged in is alleged to have been committed in violation of a single court order or single setting of bond.

(e) An offense under this section is a felony of the third degree.

SECTION 2. Subsection (g), Section 25.07, Penal Code, is amended to read as follows:

(g) An offense under this section is a Class A misdemeanor, except the offense is a felony of the third degree if [unless] it is shown on the trial of the offense that the defendant:

(1) has previously been convicted two or more times of an offense under this section or two or more times of an offense under Section 25.072; or has previously been convicted of an offense under this section and an offense under Section 25.072; [two or more times] or

(2) has violated the order or condition of bond by committing an assault or the offense of stalking[, in which event the offense is a third-degree felony].