

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1022 Session of
2013

INTRODUCED BY WHITE, STACK, WOZNIAK, RAFFERTY, WAUGH, GREENLEAF
AND MENSCH, JUNE 17, 2013

REFERRED TO BANKING AND INSURANCE, JUNE 17, 2013

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," providing for electronic delivery
12 of information and posting of policies and endorsements.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

18 Section 354.7. Electronic Delivery of Information and
19 Posting of Policies and Endorsements.--(a) (1) With regard to
20 any law or regulation of this Commonwealth requiring an insurer
21 to provide, send or deliver information, notices or documents in
22 writing to an insured or applicant as part of an insurance
23 transaction, the requirement is satisfied if the insurer

1 provides, sends or delivers such information, notices or
2 documents in accordance with the provisions of the act of
3 December 16, 1999 (P.L.971, No.69), known as the "Electronic
4 Transactions Act," notwithstanding section 304(b)(2) of that
5 act. The "Electronic Transactions Act" shall apply to the
6 insurer and the insured or applicant with respect to the
7 providing, sending or delivering of the information, notices or
8 documents.

9 (2) Any law or regulation requiring an insurer to send
10 multiple copies of the information, notices or documents shall
11 not apply where the insurer provides, sends or delivers the
12 information, notices or documents in accordance with the
13 provisions of the "Electronic Transactions Act."

14 (3) An insurer providing, sending or delivering
15 information, notices or documents shall satisfy any font, size,
16 spacing or other format requirements if the electronic
17 information, notices or documents as provided, sent or delivered
18 by the insurer meet those requirements and may be printed or
19 saved by the insured or applicant using programs or applications
20 widely available on the Internet and free of charge to use.

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

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

29 (2) The policy or endorsement is posted in a manner that
30 enables the insured to print and save it using programs or

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

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

11 (4) The insurer provides all of the following information on
12 each declarations page provided to the insured at the time of
13 issuance or renewal:

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

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

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

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

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

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

30 (2) Refuse, for a period not to exceed one year thereafter,

1 to issue a new license to the insurer.

2 (3) Impose a fine of not more than one thousand dollars

3 (\$1,000) for each act in violation of this section.

4 Section 2. This act shall take effect in 60 days.