

HOUSE BILL 1247

By Keisling

AN ACT to amend Tennessee Code Annotated, Title 56,  
relative to insurance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-5-323, is amended by deleting the section and substituting instead the following language:

(a) All commercial lines insurance insurers shall, within ten (10) business days of a written request from an insured, furnish directly to the person designated by the insured in the request, a copy of the insured's five-year loss run history for the prior five (5) years, or complete loss run history with the insurer if the history is less than five (5) years.

(b) In accordance with subsection (c), the commissioner shall assess a penalty of two hundred fifty dollars (\$250) against an insurer for a violation of subsection (a). Each day of continued violation shall constitute a separate violation.

(c) Before taking any action pursuant to subsection (b), the commissioner shall give written notice to the insurer involved, stating specifically the nature of the alleged violation, and fixing a time and place, at least ten (10) days thereafter, when a hearing on the matter shall be held. The burden of proof shall be on the commissioner to show a violation of subsection (a) by a preponderance of the evidence. After the hearing, or upon failure of the accused insurer to appear at the hearing, the commissioner, if the commissioner finds a violation, shall enter an appropriate order assessing the applicable penalty as calculated pursuant to this section.

(d) Notwithstanding this part to the contrary, no insurer shall charge any fees to prepare and furnish one (1) five-year loss run history. However, if the insurer provides

the loss run history via electronic means, then the insurer may charge a reasonable fee to provide a hard copy of the same report.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.