

Amendment No. 1 to SB1350

Johnson
Signature of Sponsor

AMEND Senate Bill No. 1350

House Bill No. 1247*

by deleting the language following the enacting clause and by substituting instead the following language:

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

(a) Within ten days (10) business days of receipt of a written request from an insured or an insured's designee, a commercial lines insurer shall furnish directly to the person designated in the request, a copy of the insured's loss run history for up to the previous three (3) years, or complete loss run history with the insurer if the history is less than three (3) years. A written request includes communications made by email or fax. For the purposes of this section, "receipt" means receipt by an individual or entity designated by an insurer to receive loss run history requests.

(b) If the insurer fails to provide the requested information within the time allowed in this section, the failure shall be a violation of the Unfair Trade Practices and Unfair Claims Settlement Act of 2009, compiled in chapter 8, part 1, of this title, and any requestor may seek enforcement and any remedies allowed pursuant to that chapter. The commissioner may take action in accordance with § 56-2-305 for the violation of subsection (a).

(c) Notwithstanding this part to the contrary, no insurer shall charge any fees to prepare and furnish one (1) three (3) 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.

Senate Commerce and Labor Committee 1

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SECTION 2. This act shall take effect July 1, 2014, the public welfare requiring it.