

SECOND REGULAR SESSION

# HOUSE BILL NO. 1690

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WILSON (130).

Read 1st time January 16, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 379.118, RSMo, and to enact in lieu thereof three new sections relating to the transmission of insurance-related information in specific formats.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 379.118, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 374.056, 374.057, and 379.118, to read as follows:

2       **374.056. Except as limited by section 375.922, RSMo, the director may promulgate**  
3       **rules establishing the specific format for submissions of rate and form filings, rules, license**  
4       **applications, including materials requested in the course of a financial or market conduct**  
5       **examination, which are required to be submitted to the department under state law. Such**  
6       **rules may only apply to insurance companies, producers, health maintenance**  
7       **organizations, and any other person or entity regulated by the department under this**  
8       **chapter, and chapters, 325, 354, and 375 to 385, RSMo, or a rule adopted thereunder. Any**  
9       **rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created**  
10       **under the authority delegated in this section shall become effective only if it complies with**  
11       **and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section**  
12       **536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the**  
13       **powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to**  
14       **delay the effective date, or to disapprove and annul a rule are subsequently held**  
15       **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**  
      **after August 28, 2008, shall be invalid and void.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

374.057. The filing of records and signatures is authorized, when specified under  
2 this chapter, or chapters, 325, 354, and 375 to 385, RSMo, or a rule adopted thereunder,  
3 when carried out in a manner consistent with Section 104(a) of the federal Electronic  
4 Signatures in Global and National Commerce Act, 15 U.S.C. Section 7004(a). This section  
5 modifies, limits, and supersedes the federal Electronic Signatures in Global and National  
6 Commerce Act, but does not modify, limit, or supersede Section 101(c) of the federal  
7 Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001(c),  
8 or authorize the electronic delivery of any of the notices described in Section 103(b) of the  
9 federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section  
10 7003(b).

379.118. 1. If any insurer proposes to cancel or to refuse to renew a policy of automobile  
2 insurance delivered or issued for delivery in this state except at the request of the named insured  
3 or for nonpayment of premium, it shall, on or before thirty days prior to the proposed effective  
4 date of the action, send written notice by certificate of mailing of its intended action to the named  
5 insured at his last known address. The notice shall state:

- 6 (1) The proposed action to be taken;
- 7 (2) The proposed effective date of the action;
- 8 (3) The insurer's actual reason for proposing to take such action, the statement of reason  
9 to be sufficiently clear and specific so that a person of average intelligence can identify the basis  
10 for the insurer's decision without further inquiry. Generalized terms such as "personal habits",  
11 "living conditions", "poor morals", or "violation or accident record" shall not suffice to meet the  
12 requirements of this subdivision;
- 13 (4) That the insured may be eligible for insurance through the assigned risk plan if his  
14 insurance is to be canceled.

15 2. An insurer shall send an insured [written] notice of an automobile policy renewal at  
16 least fifteen days prior to the effective date of the new policy. The notice shall be sent by first  
17 class mail **or electronically, if available**, and shall contain the insured's name, the vehicle  
18 covered, the total premium amount, and the effective date of the new policy; **except that, the**  
19 **insured may request that the notice be sent by first class mail and the insurer shall comply**  
20 **with such request when made.**

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