

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 575, Page 7, Section 354.603, Line 84,
2 by inserting after all of said line the following:

3
4 "379.1545. Notwithstanding any other provision of law:

5 (1) An insurer may terminate or otherwise change the terms and conditions of a policy of
6 portable electronics insurance only upon providing the policyholder and enrolled customers with at
7 least thirty days' notice;

8 (2) If the insurer changes the terms and conditions of a policy of portable electronics
9 insurance, the insurer shall provide the vendor and any policyholders with a revised policy or
10 endorsement and each enrolled customer with a revised certificate, endorsement, updated brochure,
11 or other evidence indicating a change in the terms and conditions has occurred and a summary of
12 material changes;

13 (3) Notwithstanding subdivision (1) of this section, an insurer may terminate an enrolled
14 customer's enrollment under a portable electronics insurance policy upon fifteen days' notice for
15 discovery of fraud or material misrepresentation in obtaining coverage or in the presentation of a
16 claim thereunder;

17 (4) Notwithstanding subdivision (1) of this section, an insurer may immediately terminate
18 an enrolled customer's enrollment under a portable electronics insurance policy:

19 (a) For nonpayment of premium;

20 (b) If the enrolled customer ceases to have an active service with the vendor of portable
21 electronics; or

22 (c) If an enrolled customer exhausts the aggregate limit of liability, if any, under the terms
23 of the portable electronics insurance policy and the insurer sends notice of termination to the
24 customer within thirty calendar days after exhaustion of the limit. However, if the notice is not
25 timely sent, enrollment and coverage shall continue notwithstanding the aggregate limit of liability
26 until the insurer sends notice of termination to the enrolled customer;

27 (5) Where a portable electronics insurance policy is terminated by a policyholder, the
28 policyholder shall mail or deliver written notice to each enrolled customer advising the customer of
29 the termination of the policy and the effective date of termination. The written notice shall be
30 mailed or delivered to the customer at least thirty days prior to the termination;

31 (6) Whenever notice is required under this section, it shall be in writing and may be mailed
32 or delivered to the vendor at the vendor's mailing address and to its affected enrolled customers' last
33 known mailing addresses on file with the insurer. If notice is mailed, the insurer or vendor, as the
34 case may be, shall maintain proof of mailing in a form authorized or accepted by the U.S. Postal
35 Service or other commercial mail delivery service. Alternatively, an insurer or vendor policyholder
36 may comply with any notice required by this section by providing electronic notice to a vendor or

Action Taken _____ Date _____

1 its affected enrolled customers, as the case may be, by electronic means. For purposes of this
2 subdivision, agreement to receive notices and correspondence by electronic means shall be
3 determined in accordance with section 432.220. Additionally, if an insurer or vendor policyholder
4 provides electronic notice to an affected enrolled customer and such delivery by electronic means is
5 not available or is undeliverable, the insurer or vendor policyholder shall provide written notice to
6 the enrolled customer by mail in accordance with this section. If notice is accomplished through
7 electronic means, the insurer or vendor of portable electronics, as the case may be, shall maintain
8 proof that the notice was sent."; and
9

10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.