

## CHAPTER 505B

## INSURANCE NOTICES AND DOCUMENTS — ELECTRONIC DELIVERY AND POSTING

Referred to in §87.4, 296.7, 331.301, 364.4, 505.28, 505.29, 669.14, 670.7

505B.1	Notices and documents delivered by electronic means.	505B.2	Posting of documents on insurer's internet site.
		505B.3	Applicability.

**505B.1 Notices and documents delivered by electronic means.**

1. As used in [this chapter](#), unless the context otherwise requires:

a. “*Delivered by electronic means*”, “*deliver by electronic means*”, or “*delivery by electronic means*” means any of the following:

(1) Delivery to an electronic mail address at which a party has consented to receive notices or documents.

(2) Posting on an electronic network or site accessible via the internet, a mobile application, computer, mobile device, tablet, or any other electronic device, together with separate notice of the posting which shall be provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.

b. “*Party*” means a recipient of a notice or document required as part of an insurance transaction, including but not limited to an applicant, an insured, a policyholder, or an annuity contract holder.

2. a. Subject to the requirements of [this section](#), except for a notice of cancellation, nonrenewal, or termination, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored, or presented by electronic means so long as the notice or document meets the requirements of [chapter 554D](#).

b. A notice of cancellation, nonrenewal, or termination shall be delivered by mail as provided by law and shall not be delivered by electronic means unless the notice is sent and received as required pursuant to [section 554D.117](#) in a manner that is verifiable and is approved by the commissioner by rules adopted pursuant to [chapter 17A](#). Delivery of a notice or document by electronic means in a manner that meets the requirements of [chapter 554D](#) and [this chapter](#), and in a manner that is verifiable and is approved by the commissioner by rule, may be used in lieu of delivery by mail. Nothing in [this section](#) shall prohibit the delivery of a courtesy copy of a notice of cancellation, nonrenewal, or termination by electronic means even if the manner of electronic delivery has not been approved by the commissioner by rule if both of the following requirements are met:

(1) The notice of cancellation, nonrenewal, or termination is properly delivered by mail as provided by law.

(2) The requirements of [subsection 4](#) are satisfied.

3. Delivery of a notice or document in accordance with [this section](#) shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail; first class mail, postage prepaid; certified mail; certificate of mail; or certificate of mailing.

4. A notice or document may be delivered by electronic means by an insurer to a party under [this section](#) if all of the following occur:

a. The party has affirmatively consented to such method of delivery and has not withdrawn the consent.

b. The party, before giving consent, is provided with a clear and conspicuous statement informing the party of the following:

(1) The right of the party to have the notice or document provided or made available in paper form.

(2) The right of the party to withdraw consent to have a notice or document delivered by electronic means and any conditions or consequences imposed in the event consent is withdrawn.

- (3) Whether the party's consent applies as follows:
  - (a) Only to the particular transaction as to which the notice or document must be provided.
  - (b) To notices of cancellation, nonrenewal, or termination.
  - (c) To other identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship.
- (4) The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means.
- (5) The procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically.
  - c. Both of the following occur:
    - (1) Before giving consent, the party is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means.
    - (2) The party consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means as to which the party has given consent.
  - d. After consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, does the following:
    - (1) Provides the party with a statement of the following:
      - (a) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means.
      - (b) The right of the party to withdraw consent without the imposition of any condition or consequence that was not disclosed under paragraph "b", subparagraph (2).
    - (2) Complies with paragraph "b".
5. a. For purposes of [this subsection](#), "consumer" and "portable electronics insurance" mean the same as defined in [section 522E.1](#).
- b. Notwithstanding [subsection 4](#), affirmative consent from a party to have notices and documents delivered by electronic means for portable electronics insurance sold pursuant to [chapter 522E](#) is obtained if a consumer provides an electronic mail address and the consumer is provided at the point of sale, or prior to the point of sale, a conspicuously located disclosure advising the consumer that the consumer is giving affirmative consent. The disclosure must also advise the consumer of the consumer's right to receive a paper copy of notices and documents and of the process by which the consumer can opt out of delivery by electronic means.
6. [This section](#) does not affect requirements related to content or timing of any notice or document required under applicable law.
7. If a provision of [this title](#) or applicable law requiring a notice or document to be provided to a party expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.
8. The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party shall not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party in accordance with [subsection 4](#), paragraph "c", subparagraph (2).
9. a. A withdrawal of consent by a party does not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party before the withdrawal of consent is effective.
- b. A withdrawal of consent by a party is effective within a reasonable period of time after receipt of the withdrawal by the insurer.
- c. Failure by an insurer to comply with [subsection 4](#), paragraph "d", may be treated, at the election of the party, as a withdrawal of consent for purposes of [this section](#).
10. [This section](#) does not apply to a notice or document delivered by an insurer in an

electronic form before July 1, 2014, to a party who, before that date, has consented to receive a notice or document in an electronic form otherwise allowed by law.

11. If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before July 1, 2014, and pursuant to [this section](#) an insurer intends to deliver additional notices or documents to such party in an electronic form, then prior to delivering such additional notices or documents electronically, the insurer shall do all of the following:

a. Provide the party with a statement that describes all of the following:

(1) The notices or documents that will be delivered by electronic means under [this section](#) that were not previously delivered electronically.

(2) The party's right to withdraw consent to have notices or documents delivered by electronic means without the imposition of any condition or consequence that was not disclosed at the time of initial consent.

b. Comply with all of the requirements of [subsection 4](#), paragraph "b".

12. a. For purposes of [this subsection](#):

(1) "Covered employee" or "employee" means an individual participating in a group health plan who is entitled to notices and documents and who is an employee of the sponsor or policyholder of the group health plan.

(2) "Covered person" or "person" means an individual participating in a group health plan who is entitled to notices and documents.

(3) "Smart device" means an electronic device that combines a cell phone with a hand-held computer and that offers internet access, and text or electronic mail capabilities.

b. Notwithstanding any provision of [this section](#) to the contrary, a sponsor or policyholder of a group health plan may consent to notices and documents delivered by electronic means, unless there is a federal requirement for a specific mode of delivery, on behalf of the sponsor or policyholder's covered employees and covered persons. For such consent to be effective, the sponsor or policyholder shall do all of the following:

(1) (a) Assign each covered employee for whom consent is being given an electronic mail address for employment-related purposes at which the employee may receive or access notifications regarding posted notices and documents delivered by electronic means, or require each employee for whom consent is being given to provide the sponsor or policyholder with an electronic mail address or a smart device number at which the employee may receive or access notifications regarding posted notices and documents delivered by electronic means.

(b) Require each covered person, or a covered employee on behalf of a covered person, to provide the sponsor or policyholder with an electronic mail address or a smart device number at which the person may receive or access notifications regarding notices and documents delivered by electronic means.

(2) Prior to delivery by electronic means of notices and documents to covered employees and covered persons, the sponsor or policyholder shall provide a notification in paper form to each employee and each person for whom consent is being given that does all of the following:

(a) Notifies the employee or person that notices and documents for the group health plan will be posted to an internet site to which the employee or person will have reasonable access.

(b) Confirms the electronic mail address or smart device number to which notifications regarding notices and documents will be delivered by electronic means to the employee or person.

(c) Provides instructions for accessing notices or documents on the internet site described in subparagraph (2), subparagraph division (a).

(d) Provides the time period during which a specific type of notice or document delivered by electronic means will remain accessible.

(e) Advises the employee or person that a paper form of a notice or document may be requested and will be provided free of charge, and the process to request a paper form.

(f) Advises the employee or person of the right to opt out of delivery by electronic means and the process to exercise that right.

(3) Provides notice to each impacted covered employee and each impacted covered person each time a notice or document is posted on the internet site described in subparagraph (2),

subparagraph division (a). The notice may be delivered by electronic means to the covered employee's or covered person's electronic mail address or smart device number and shall include all of the following:

- (a) A prominent statement that important information regarding the group health plan has been posted on the internet site.
- (b) The name of, or a description of, the notice or document.
- (c) The internet site address or the hyperlink at which the notice or document may be accessed.
- (d) A statement of the recipient's right to request the notice or document in paper form, free of charge, and the process to exercise that right.
- (e) A statement of the recipient's right to opt out of delivery by electronic means and to receive documents in paper form free of charge.
- (f) The time period during which the notice or document will remain accessible on the internet site.
- (g) A telephone number for the insurer or the group health plan administrator.

13. An insurer shall deliver a notice or document by any other delivery method permitted by law other than electronic means if either of the following occurs:

- a. The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party.
- b. The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

14. It shall be the exclusive responsibility of an insurer to satisfy the requirements of [this section](#) and to deliver any notice or document sent to a party pursuant to [this section](#).

15. [This section](#) shall not be construed to modify, limit, or supersede the provisions of the federal Electronic Signatures in Global and National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), codified at 15 U.S.C. §7001 et seq., as amended.

[2014 Acts, ch 1007, §5](#); [2015 Acts, ch 108, §1 – 6](#); [2019 Acts, ch 16, §1, 2](#); [2020 Acts, ch 1063, §269](#); [2022 Acts, ch 1053, §1](#)

Referred to in [§522E.1](#), [522E.9](#), [522E.13](#)

NEW subsection 12 and former subsections 12 – 14 renumbered as 13 – 15

### **505B.2 Posting of documents on insurer's internet site.**

1. Notwithstanding any contrary provision of [chapter 554D](#), an insurer may mail, deliver, or post on the insurer's internet site insurance documents, including policies, riders, endorsements, and annuity contracts that do not contain personally identifiable information. If the insurer elects to post an insurance policy or endorsement on the insurer's internet site in lieu of mailing or delivering the policy or endorsement to the insured, the insurer must comply with all of the following conditions:

a. The policy or endorsement must be accessible and remain accessible to the insured and to the licensed insurance producer of record for as long as the policy or endorsement is in force.

b. After the expiration of the policy or endorsement, the insurer must archive the expired policy or endorsement for a period of five years or other period required by law, and make the policy or endorsement available upon request.

c. The policy or endorsement must be posted in a manner that enables the insured and the licensed insurance producer of record to print and save the policy or endorsement using programs and applications that are widely available on the internet and free to use.

d. The insurer must provide the following information in, or simultaneously with, each declarations page provided at the time of issuance of the initial policy and any renewal of that policy:

- (1) A description of the exact policy or endorsement purchased by the insured.
  - (2) A description of the insured's right to receive, upon request and without charge, a paper copy of the insured's policy or endorsement by mail.
  - (3) An internet address where the insured's policy or endorsement is posted.
- e. The insurer, upon request and without charge, must deliver a paper copy of the policy or endorsements to the insured by mail.

*f.* The insurer must provide notice, in the format preferred by the insured, of any changes to the policy or endorsement, the insured's right to obtain, upon request and without charge, a paper copy of such policy or endorsement, and the internet address where such policy or endorsement is posted.

2. Nothing in [this section](#) shall be construed to affect the timing or content of any notice or document required to be provided or made available to any insured under applicable law. [2014 Acts, ch 1007, §6](#); [2015 Acts, ch 108, §7](#)

**505B.3 Applicability.**

The provisions of [this chapter](#) shall apply to the insurance products and documents, including insurance policies, insurance riders, insurance endorsements, and annuity contracts filed with and regulated by the commissioner of insurance under the authority provided to the commissioner by [Title XIII, subtitle 1](#).

[2014 Acts, ch 1007, §7](#)