

Senate Amendment to
House File 504

H-1321

1 Amend House File 504, as passed by the House, as
2 follows:
3 <1. Page 1, line 3, by striking <2. Subject> and
4 inserting <2. a. Subject>
5 2. Page 1, line 10, by striking <A notice> and
6 inserting:
7 <b. A notice>
8 3. Page 1, by striking lines 12 and 13 and
9 inserting <by electronic means unless the notice is
10 sent and received as required pursuant to section
11 554D.117 in a manner that is verifiable and is
12 approved by the commissioner by rules adopted
13 pursuant to chapter 17A. Delivery of a notice or
14 document by electronic means in a manner that meets
15 the requirements of chapter 554D and this chapter,
16 and in a manner that is verifiable and is approved
17 by the commissioner by rule, may be used in lieu
18 of delivery by mail. Nothing in this section shall
19 prohibit the delivery of a courtesy copy of a notice of
20 cancellation, nonrenewal, or termination by electronic
21 means even if the manner of electronic delivery has not
22 been approved by the commissioner by rule if both of
23 the following requirements are met:
24 (1) The notice of cancellation, nonrenewal, or
25 termination is properly delivered by mail as provided
26 by law.
27 (2) The requirements of subsection 4 are
28 satisfied.>
29 4. Page 1, by striking lines 14 through 22 and
30 inserting:
31 <Sec. _____. Section 505B.1, subsection 4, paragraph
32 b, subparagraphs (1), (2), (3), and (4), Code 2015, are
33 amended to read as follows:
34 (1) ~~Any~~ The right or option of the party to have
35 the notice or document provided or made available in
36 paper ~~or another nonelectronic~~ form.
37 (2) The right of the party to withdraw consent to
38 have a notice or document delivered by electronic means
39 and any ~~fees,~~ conditions, or consequences imposed in
40 the event consent is withdrawn.
41 (3) Whether the party's consent applies as follows:
42 (a) Only to the particular transaction as to which
43 the notice or document must be provided.
44 (b) To notices of cancellation, nonrenewal, or
45 termination.
46 ~~(b)~~ (c) To other identified categories of notices
47 or documents that may be delivered by electronic means
48 during the course of the parties' relationship.
49 (4) ~~(a)~~ The means, after consent is given, by
50 which a party may obtain a paper copy of a notice or

1 document delivered by electronic means.
2 ~~(b) The fee, if any, for the paper copy.~~
3 Sec. _____. Section 505B.1, subsection 4, paragraph
4 d, subparagraph (1), subparagraph division (b), Code
5 2015, is amended to read as follows:
6 (b) The right of the party to withdraw consent
7 without the imposition of any fee, condition, or
8 consequence that was not disclosed under paragraph "b",
9 subparagraph (2).>
10 5. Page 1, by striking lines 23 through 28.
11 6. Page 2, by striking lines 27 through 32 and
12 inserting:
13 <NEW SUBSECTION. 11A. It shall be the exclusive
14 responsibility of an insurer to satisfy the
15 requirements of this section and to deliver any notice
16 or document sent to a party pursuant to this section.>
17 7. Page 4, after line 11 by inserting:
18 <Sec. _____. Section 522B.11, subsection 7, paragraph
19 e, Code 2015, is amended by striking the paragraph and
20 inserting in lieu thereof the following:
21 e. An insurance producer owes any duties and
22 responsibilities referred to in this subsection only
23 to the policy owner, a person in privity of contract
24 with the insurance producer, and the principal in an
25 agency relationship with the insurance producer. If a
26 person to whom an insurance producer owes duties and
27 responsibilities is deceased or incapacitated, a direct
28 and specifically identified beneficiary referenced
29 in a written instrument required by the insurer and
30 delivered to the insurance producer prior to the death
31 or incapacity may enforce the insurance producer's
32 duties and responsibilities. An insurance producer
33 does not owe any duty or responsibility to a person who
34 was a direct and specifically identified beneficiary if
35 the policy owner changes the beneficiary in the manner
36 required by the policy or contract to remove the person
37 as a beneficiary.>
38 8. Title page, line 1, after <to> by inserting
39 <insurance, including>
40 9. Title page, line 2, after <documents> by
41 inserting <and to certain duties, responsibilities, and
42 liabilities of insurance producers>
43 10. By renumbering as necessary.