

COMMISSIONER'S BULLETIN # B-0017-17

August 26, 2017

To: ALL INSURANCE COMPANIES, CORPORATIONS, EXCHANGES, MUTUALS, RECIPROCALLS, ASSOCIATIONS, LLOYDS, OR OTHER INSURERS WRITING PROPERTY AND CASUALTY INSURANCE IN THE STATE OF TEXAS; PREMIUM FINANCE COMPANIES; MANAGING GENERAL AGENTS; ADJUSTERS; AND THE PUBLIC GENERALLY

Re: Hurricane Harvey – Recommending Building and Repair Contractors

Governor Greg Abbott issued a proclamation declaring a disaster due to the effects of Hurricane Harvey. The proclamation directs that all necessary measures, both public and private, as authorized under §418.017 of the Texas Government Code, be implemented to meet that threat.

President Donald Trump issued a major disaster declaration and ordered federal aid to supplement state and local recovery efforts in the area affected by Hurricane Harvey.

TDI reminds all persons, including adjusters, building and repair contractors, and insurers, that pursuant to Insurance Code §543.001, an insurer or its representative, or any other person, may not misrepresent the terms and provisions of a policy. Further, as stated in 28 Texas Administrative Code §5.9970(d) and (e), persons insured under a homeowners or dwelling policy are entitled to have their home repaired by the person of their choice.

Under Insurance Code §542.003(a), an insurer engaging in business in this state may not engage in an unfair claim settlement practice. Not attempting in good faith to effect a prompt, fair, and equitable settlement of a claim submitted in which liability has become reasonably clear constitutes an unfair claim settlement practice under Insurance Code §542.003(b)(4).

If you have questions regarding this bulletin, contact the Consumer Protection Division by calling (800) 252-3439, or the Fraud Unit at (888) 327-8818.

For more information contact: FraudUnit@tdi.texas.gov

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