

SENATE FILE NO. SF0017

Insurance-electronic delivery of documents.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to insurance; providing for the
2 transmission of electronic notices or documents related to
3 property and casualty insurance and insurance policies;
4 providing limitations; providing for posting of property
5 and casualty insurance policies and endorsements; and
6 providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 26-3-501 through 26-3-503 are
11 created to read:

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13

ARTICLE 5

14

ELECTRONIC DELIVERY OF DOCUMENTS

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16 **26-3-501. Applicability.**

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This article shall apply only to property and casualty insurance.

26-3-502. Electronic notices and documents.

(a) Subject to subsection (c) of this section, 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 and presented by electronic means so long as it meets the requirements of the Uniform Electronic Transactions Act, W.S. 40-21-101 through 40-21-119.

(b) 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, except that this section shall not supersede the requirements under chapter 35 of this code.

1 (c) A notice or document may be delivered by
2 electronic means by an insurer to a party under this
3 section if all of the following are met:

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5 (i) The party has affirmatively consented to
6 that method of delivery and has not withdrawn the consent;

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8 (ii) The party, before giving consent, is
9 provided with a clear and conspicuous statement informing
10 the party of:

11

12 (A) Any right or option of the party to
13 have the notice or document provided or made available in
14 paper or another nonelectronic form;

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16 (B) The right of the party to withdraw
17 consent to have a notice or document delivered by
18 electronic means and any fees, conditions or consequences
19 imposed in the event consent is withdrawn;

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21 (C) Whether the party's consent applies:

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23 (I) Only to the particular transaction
24 as to which the notice or document must be given; or

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(II) To identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship.

(D) The means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means and the fee, if any, for the paper copy; and

(E) 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.

(iii) The party:

(A) Before giving consent, 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; and

(B) Consents electronically, or confirms consent electronically, in a manner that reasonably

1 demonstrates that the party can access information in the
2 electronic form that will be used for notices or documents
3 delivered by electronic means as to which the party has
4 given consent.

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6 (iv) After consent of the party is given, the
7 insurer, in the event a change in the hardware or software
8 requirements needed to access or retain a notice or
9 document delivered by electronic means creates a material
10 risk that the party will not be able to access or retain a
11 subsequent notice or document to which the consent applies:

12

13 (A) Complies with paragraph (ii) of this
14 subsection; and

15

16 (B) Provides the party with a statement of:

17

18 (I) The revised hardware and software
19 requirements for access to and retention of a notice or
20 document delivered by electronic means;

21

22 (II) The right of the party to
23 withdraw consent without the imposition of any fee,

1 condition, or consequence that was not disclosed under
2 subparagraph (ii)(B) of this subsection.

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4 (d) This section does not affect requirements related
5 to content or timing of any notice or document required
6 under applicable law.

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8 (e) If a provision of this title or applicable law
9 requiring a notice or document to be provided to a party
10 expressly requires verification or acknowledgment of
11 receipt of the notice or document, the notice or document
12 may be delivered by electronic means only if the method
13 used provides for verification or acknowledgment of
14 receipt.

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16 (f) The legal effectiveness, validity or
17 enforceability of any contract or policy of insurance
18 executed by a party may not be denied solely because of the
19 failure to obtain electronic consent or confirmation of
20 consent of the party in accordance with subparagraph
21 (c)(iii)(B) of this section.

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23 (g) With respect to withdrawal of consent, the
24 following apply:

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2 (i) A withdrawal of consent by a party does not
3 affect the legal effectiveness, validity or enforceability
4 of a notice or document delivered by electronic means to
5 the party before the withdrawal of consent is effective;

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7 (ii) A withdrawal of consent by a party is
8 effective within a reasonable period of time after receipt
9 of the withdrawal by the insurer;

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11 (iii) Failure by an insurer to comply with
12 paragraph (c)(iv) of this section may be treated, at the
13 election of the party, as a withdrawal of consent for
14 purposes of this section.

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16 (h) This section does not apply to a notice or
17 document delivered by an insurer in an electronic form
18 before July 1, 2014 to a party who, before that date, has
19 consented to receive notice or document in an electronic
20 form otherwise allowed by law.

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22 (j) If the consent of a party to receive certain
23 notices or documents in an electronic form is on file with
24 an insurer before July 1, 2014, and pursuant to this

1 section, an insurer intends to deliver additional notices
2 or documents to such party in an electronic form, then
3 prior to delivering such additional notices or documents
4 electronically, the insurer shall notify the party of:

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6 (i) The notices or documents that may be
7 delivered by electronic means under this section that were
8 not previously delivered electronically; and

9

10 (ii) The party's right to withdraw consent to
11 have notices or documents delivered by electronic means.

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13 (k) Except as otherwise provided by law, if an oral
14 communication or a recording of an oral communication from
15 a party can be reliably stored and reproduced by an
16 insurer, the oral communication or recording may qualify as
17 a notice or document delivered by electronic means for
18 purposes of this section. If a provision of this title or
19 applicable law requires a signature or notice or document
20 to be notarized, acknowledged, verified or made under oath,
21 the requirement is satisfied if the electronic signature of
22 the person authorized to perform those acts, together with
23 all other information required to be included by the

1 provision, is attached to or logically associated with the
2 signature, notice or document.

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4 (m) This section may not be construed to modify,
5 limit or supersede the provisions of the federal Electronic
6 Signatures in Global and National Commerce Act, Public Law
7 106-229, as amended.

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9 (n) As used in this section:

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11 (i) "Delivered by electronic means" includes:

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13 (A) Delivery to an electronic mail address
14 at which a party has consented to receive notices or
15 documents; or

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

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2 (ii) "Party" means any recipient of any notice
3 or document required as part of an insurance transaction,
4 including but not limited to an applicant, an insured, a
5 policyholder or an annuity contract holder.

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7 **26-3-503. Posting of policies on the internet.**

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9 (a) Notwithstanding any other provisions of W.S.
10 26-3-501, standard property and casualty insurance policies
11 and endorsements that do not contain personally
12 identifiable information may be mailed, delivered or posted
13 on the insurer's web site. If the insurer elects to post
14 insurance policies and endorsements on its web site in lieu
15 of mailing or delivering them to the insured, it shall
16 comply with all of the following conditions:

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18 (i) The policy and endorsements shall be
19 accessible and remain that way for as long as the policy is
20 in force;

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22 (ii) After the expiration of the policy, the
23 insurer shall archive its expired policies and endorsements

1 for a period of ten (10) years, and make them available
2 upon request;

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4 (iii) The policies and endorsements shall be
5 posted in a manner that enables the insured to print and
6 save the policy and endorsements using programs or
7 applications that are widely available on the internet and
8 free to use;

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10 (iv) The insurer provides the following
11 information in, or simultaneous with each declarations page
12 provided at the time of issuance of the initial policy and
13 any renewals of that policy:

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15 (A) A description of the exact policy and
16 endorsement forms purchased by the insured;

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18 (B) A method by which the insured may
19 obtain, upon request and without charge, a paper copy of
20 their policy;

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22 (C) The internet address where their policy
23 and endorsements are posted.

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1 (v) The insurer provides notice, in the format
2 preferred by the insured, of any changes to the forms or
3 endorsements, the insured's right to obtain, upon request
4 and without charge, a paper copy of such forms or
5 endorsements, and the internet address where such forms or
6 endorsements are posted.

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8 **Section 2.** This act is effective July 1, 2014.

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(END)