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## HOUSE BILL NO. 2723

Offered January 16, 2019

A BILL to amend and reenact § 38.2-1877 of the Code of Virginia, relating to sale of portable electronics insurance; notice requirements.

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Patron—Wilt

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Referred to Committee on Commerce and Labor

**Be it enacted by the General Assembly of Virginia:****1. That § 38.2-1877 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-1877. Requirements for sale of portable electronics insurance.**

A. At every location where portable electronics insurance is offered to customers, the vendor shall make available to a prospective customer brochures or other written materials that:

1. Disclose that portable electronics insurance may provide a duplication of coverage already provided by a customer's homeowner's insurance policy, renter's insurance policy, or other source of coverage;

2. State that the purchase of coverage by a customer of portable electronics insurance is not required in order to purchase or lease portable electronics or services;

3. Summarize the material terms of the insurance coverage, including: (i) the identity of the insurer; (ii) the amount of any applicable deductible and how it is to be paid; (iii) benefits of the coverage; and (iv) key terms and conditions of coverage such as whether portable electronics may be repaired or replaced with similar make and model reconditioned or nonoriginal manufacturer parts or equipment; and

4. Summarize the process for filing a claim, including a description of (i) any requirements to return portable electronics and the maximum fee applicable in the event the customer fails to comply with any equipment return requirements and (ii) proof of loss requirements.

B. Portable electronics insurance may be offered on a month-to-month or other periodic basis as an individual policy or a group or master commercial inland marine policy issued to a vendor of portable electronics under which the individual customer may elect to purchase coverage.

C. Notwithstanding any other provision of law, an insurer or vendor of portable electronics insurance may issue notices and correspondence by mail or by electronic means so long as the insurer or vendor complies with the following provisions, to the extent applicable:

1. If the notice or correspondence is mailed, it shall be sent to the vendor of portable electronics insurance at the vendor's mailing address specified for such purpose and to its affected enrolled customers' last known mailing address on file with the insurer.

2. If the notice or correspondence is sent by electronic means, it shall be sent to the vendor of portable electronics insurance at the vendor's electronic mail address specified for such purpose and to its affected enrolled customers' last known electronic mail address as provided by each enrolled customer to the insurer or vendor.

3. For purposes of this subsection, agreement to receive notices and correspondence by electronic means shall be determined in accordance with § 59.1-483.

4. The insurer or vendor of portable electronics insurance shall maintain proof that the notice or correspondence was sent:

a. If sent by mail, by using a form authorized or accepted by the U.S. Postal Service or other commercial mail delivery service; or

b. If sent electronically, by retaining evidence of the successful transmittal or receipt confirmation.

INTRODUCED

HB2723