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What is insurance?

- “Coverage by contract whereby one party undertakes to indemnify or guarantee another against loss by a specified contingency or peril”—Webster’s Dictionary
- Texas Insurance Code: ???
- Case law defines

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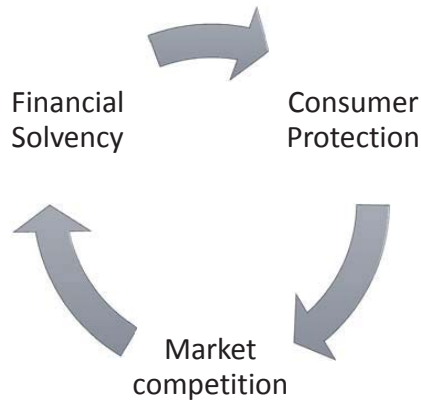
Insurance in history



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Regulation of Insurance

- Why needed?



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What about the Commerce Clause?

- Article 1, Section 8, Clause 3 of the U.S. Constitution gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”
- Up until 1944, U.S. Courts considered insurance not subject to the Commerce Clause.
- *United States v. South-Eastern Underwriters Ass’n*, 322 U.S. 533 (1944)

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