

Texas Department of Insurance
Exempt Filing Notification under Texas Insurance Code
Chapter 5, Subchapter L, Article 5.96

Description:

The staff of the Texas Department of Insurance filed Petition No. I-1220-12 on December 10, 2020. The petition requests that the Commissioner make changes to the *Texas Statistical Plan for Residential Risks* (Plan) to modernize the Plan by:

- 1) eliminating obsolete submission methods, references, and coding;
- 2) adding coding that reflects changes in the residential property market and provides information about claims reported, claims closed with payment, and claims closed without payment;
- 3) eliminating the requirement that companies report certain individual optional credits, and instead requiring companies to report information about certain rating variables; and
- 4) making nonsubstantive changes to reflect current practices and clarify how companies should report data in certain circumstances.

Attached to the petition is a redlined version of the Plan showing the proposed changes from the current Plan.

Staff is authorized to file this petition and the Commissioner is authorized to act on the petition under Insurance Code Article 5.96 and §§38.202, 38.204(a), 38.205, 38.207, and 36.001:

- Article 5.96(a) authorizes the Commissioner to promulgate, adopt, approve, or amend standard and uniform manual rules, rating plans, classification plans, statistical plans, and policy and endorsement forms for various lines of insurance, including fire and allied lines insurance.
- Article 5.96(b) allows any interested person to initiate proceedings with respect to any matter specified in Article 5.96(a) by filing a written petition with the chief clerk.

- Section 38.202 allows the Commissioner, for a line or subline of insurance, to designate or contract with a qualified organization to serve as the statistical agent for the Commissioner to gather data relevant for regulatory purposes.
- Section 38.204(a) provides that a designated statistical agent must collect data from reporting insurers under a statistical plan adopted by the Commissioner.
- Section 38.205 requires insurers to provide all premium and loss cost data to the Commissioner or the designated statistical agent as the Commissioner or agent requires.
- Section 38.207 authorizes the Commissioner to adopt rules necessary to accomplish the purposes of Chapter 38, Subchapter E, relating to statistical data collection.
- Section 36.001 provides that the Commissioner may adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

Article 5.96 of the Texas Insurance Code exempts action taken under this article from the requirements of the Administrative Procedure Act (Government Code, Title 10, Chapter 2001).

To review, request copies, or comment:

To review or get copies of the petition and its attachment:

- **Online:** Go to www.tdi.texas.gov/rules/2020/exrules.html.
- **In person:** You can review the petition at the Office of the Chief Clerk, Texas Department of Insurance, 333 Guadalupe Street, Austin, Texas 78701. If you would like to review the materials in person, please email ChiefClerk@tdi.texas.gov to arrange a time.

To comment on the petition, send written comments by email to ChiefClerk@tdi.texas.gov, or by mail to the Office of the Chief Clerk, Mail Code 112-2A, Texas Department of Insurance, P.O. Box 149104, Austin, TX 78714-9104 by 5:00 p.m., central time, on January 31, 2021.

Exempt Filing Notification Under TIC, Chapter 5, Subchapter L, Art. 5.96

Re: Changes to the *Texas Statistical Plan for Residential Risks*

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TDI will hold a public hearing to consider public comments under Docket No. 2825. The hearing will begin at 9:30 a.m., central time, January 27, 2021. TDI's website has instructions on how to register for and participate in the hearing. This information is available at <https://www.tdi.texas.gov/alert/event/2021/01/docket-2825.html>.

Issued in Austin, Texas on December 14, 2020.

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Allison Eberhart, Deputy General Counsel
Texas Department of Insurance