

**SUBCHAPTER M. FILING REQUIREMENTS**  
**DIVISION 6. FILINGS MADE EASY - RATE AND RATE MANUAL FILING**  
**REQUIREMENTS**  
**28 TAC §§5.9330 - 5.9332**

**1. INTRODUCTION.** The Texas Department of Insurance proposes the repeal of 28 TAC, Chapter 5, Subchapter M, Division 6, §§5.9330 - 5.9332, concerning requirements for rate filings. The repeal of Division 6, §§5.9330 - 5.9332 is necessary to issue proposed new Division 6, §§5.9330 - 5.9337, which implements the requirements of HB 1951, 82nd Legislature, Regular Session, effective September 1, 2011. The proposed new Division 6 also contains adjustments for clarity and transparency and is compatible with TDI's use of the System for Electronic Rate and Form Filing (SERFF). A separate rule proposal in this issue of the *Texas Register* concerns the proposed new Division 6 and amendments to 28 TAC, Chapter 5, Subchapter M, Division 4, §5.9310; Division 5, §5.9320; Division 7, §§5.9340 - 5.9342; Division 8, §§5.9350 - 5.9352; Division 9, §5.9355 and §5.9357; and Division 10, §5.9360 and §5.9361. Those amendments relate to filing requirements for property and casualty insurers.

**2. FISCAL NOTE.** J'ne Byckovski, chief actuary of the Property and Casualty Actuarial Office, has determined that for each year of the first five years the proposed repeals will be in effect, there will be no fiscal impact to state and local governments as a result of the enforcement or administration of this proposal to repeal these rule sections. There will be no measurable effect on local employment or the local economy as a result of the proposal.

**3. PUBLIC BENEFIT/COST NOTE.** Ms. Byckovski has also determined that for each year of the first five years the proposed repeals are in effect, the anticipated public benefit will be the elimination of rules that do not comply with current statute and that are incompatible with TDI's transition to SERFF as its system of record. There are no anticipated economic costs to persons who are required to comply with the proposed repeals. There will be no effect on small or micro businesses.

**4. ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL AND MICRO BUSINESSES.** Government Code §2006.002(c) requires that if a proposed rule could have an economic impact on small businesses, state agencies must prepare as part of the rulemaking process an economic impact statement that assesses the potential impact of the proposed rule on small businesses and a regulatory flexibility analysis that considers alternative methods of achieving the purpose of the rule.

There will be no new costs to any person to comply with the repeals. There is no anticipated adverse economic effect on small or micro businesses regarding the regulatory cost of compliance with the repeals, so preparation of an economic impact statement and regulatory flexibility analysis is not statutorily required.

**5. TAKINGS IMPACT ASSESSMENT.** TDI has determined that no private real property interests are affected by this proposal and this proposal does not restrict or

limit an owner's right to property that would otherwise exist in the absence of government action; so it does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

**6. REQUEST FOR PUBLIC COMMENT.** To be considered, written comments on the proposed repeal must be submitted no later than 5 p.m., Central time on June 25, 2014. You may send your comments electronically to the Chief Clerk by email at [chiefclerk@tdi.texas.gov](mailto:chiefclerk@tdi.texas.gov), or by mail to Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. You must simultaneously submit an additional copy of your comments by email to [pcactuarial@tdi.texas.gov](mailto:pcactuarial@tdi.texas.gov), or by mail to J'ne Byckovski, Chief Actuary, Property and Casualty Actuarial Office, Mail Code 105-5F, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104. You must submit any request for a public hearing separately to the Office of Chief Clerk by email at [chiefclerk@tdi.texas.gov](mailto:chiefclerk@tdi.texas.gov), or by mail to Chief Clerk, Mail Code 113-2A, Texas Department of Insurance, P.O. Box 149104, Austin, Texas 78714-9104 before the close of the public comment period. If TDI holds a hearing, the commissioner will consider all comments presented at the hearing.

**7. STATUTORY AUTHORITY.** TDI proposes the repeals under Insurance Code §§2053.003, 2251.101, 3502.108, and 36.001. Section 2053.003 provides that each insurance company writing workers' compensation insurance must file with TDI all rates, supplementary rating information, and reasonable and pertinent supporting information

for risks written in Texas. Section 2251.101 provides that the commissioner must adopt rules on the information to be included in rate filings and prescribe the process by which TDI may request supplementary rating information and supporting information. Section 3502.108 provides that the commissioner may adopt rules establishing guidelines by which the forms and documents submitted to TDI under Chapter 3502 are to be reviewed and acted on by TDI. Section 3502.108 also provides that TDI may establish requirements for data and information filed under Chapter 3502. Section 36.001 authorizes the commissioner to adopt any rules necessary and appropriate to implement the powers and duties of TDI under the Insurance Code and other laws of this state.

**8. CROSS REFERENCE TO STATUTE.** The following statutes are affected by this proposal:

Rule

Statute

§§5.9330 - 5.9332

Insurance Code §§2053.003,  
2251.101, and 3502.108

**9. TEXT.**

**§5.9330. Purpose.**

**§5.9331. Definitions.**

**§5.9332. Filing Requirements.**

**10. CERTIFICATION.** This agency certifies that legal counsel has reviewed the proposal and found it to be within the agency's authority to adopt.

Issued at Austin, Texas on April 15, 2014.

  
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Sara Waitt  
General Counsel  
Texas Department of Insurance