

**SUBCHAPTER A. Basic Manual of Rules, Rates and Forms
for the Writing of Title Insurance in the State of Texas
28 TAC §§9.11, 9.21, 9.30, 9.31, and 9.40**

**SUBCHAPTER D. Personal Property Title Insurance
28 TAC §9.501**

1. INTRODUCTION. The commissioner of insurance adopts the repeal of 28 Texas Administrative Code §§9.11, 9.21, 9.30, 9.31, 9.40, and 9.501, regarding the *Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas (Basic Manual)*. This repeal is adopted without changes to the proposed text published in the January 24, 2014, issue of the *Texas Register* (39 *TexReg* 384).

2. REASONED JUSTIFICATION. The repeal of these sections of the Texas Administrative Code is necessary because the amendments to the *Basic Manual* that were adopted by reference in those sections have been readopted by reference in 28 TAC §9.1, which superseded the sections now being repealed.

In compliance with Government Code §2001.039, which requires TDI to review a rule every four years and to readopt, readopt with amendments, or repeal the rule, a notice of the proposed rule review of Chapter 9, Title Insurance, was published in the December 28, 2012, issue of the *Texas Register* (37 *TexReg* 10259). TDI did not receive any comments on the review. The adopted rule review of Chapter 9 was published in the July 5, 2013, issue of the *Texas Register* (38 *TexReg* 4392).

Repealing the sections is necessary because they have been superseded. Each of these sections adopted or amended title rules or forms, by reference, as part of the *Basic Manual*. In 2010, and several times before that, the entire *Basic Manual* was readopted by reference in 28 TAC §9.1. Because the material in these sections was readopted in §9.1, the sections being repealed are no longer necessary. Their removal will help keep the Administrative Code clear, relevant, and current.

3. SUMMARY OF COMMENTS. TDI did not receive any comments on the proposed repeal.

4. STATUTORY AUTHORITY. TDI adopts this repeal under Insurance Code §2551.003 and §36.001, and Government Code §2001.039. Insurance Code §2551.003 authorizes the commissioner to adopt and enforce rules that prescribe underwriting standards and practices on which a title insurance contract must be issued; that define risks that may not be assumed under a title insurance contract; and that the commissioner determines are necessary to accomplish the purposes of Title 11, Insurance Code, which regulates the business of title insurance. Insurance Code §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. Government Code §2001.039 requires TDI to review a rule every four years and to readopt, readopt with amendments, or repeal the rule.

5. TEXT.

**SUBCHAPTER A. BASIC MANUAL OF RULES, RATES AND FORMS FOR THE
WRITING OF TITLE INSURANCE IN THE STATE OF TEXAS**

§9.11. Amendments to the Basic Manual of Rules, Rates, and Forms for the Writing of Title Insurance in the State of Texas from a Public Hearing.

§9.21. Procedural Rule for Construction of Terms in a Policy of Title Insurance (USA).

§9.30. Procedural Rules, Rates, and Forms Relating to Home Equity.

§9.31. Rate Rule for Subsequent Issuance of Mortgagee Policy.

§9.40. Procedural Rules, Rates and Forms Relating to Mineral Interests.

SUBCHAPTER D. PERSONAL PROPERTY TITLE INSURANCE

§9.501. Amendments to the Basic Manual of Rules, Rates and Forms for the Writing of Title Insurance in the State of Texas.


CERTIFICATION. This agency certifies that legal counsel has reviewed the repeal and found it to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on April 3, 2014.

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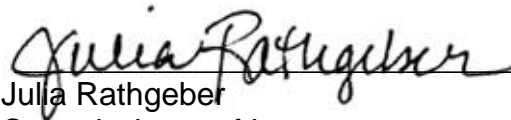
TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 9. Title Insurance

Adopted Sections
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Sara Waitt, General Counsel
Texas Department of Insurance

The commissioner adopts the repeal of 28 TAC §§9.11, 9.21, 9.30, 9.31, 9.40, and 9.501.



Julia Rathgeber
Commissioner of Insurance

Commissioner's Order No. **3174**