

**SUBCHAPTER E. TEXAS WINDSTORM INSURANCE ASSOCIATION**  
**DIVISION 10. ELIGIBILITY AND FORMS**  
**28 TAC §§5.4920 – 5.4926**

**1. INTRODUCTION.** The Texas Department of Insurance adopts the repeal of 28 TAC §§5.4920 – 5.4926, concerning the TWIA Alternative Eligibility Program. The repeal is adopted without changes to the proposal published in the September 27, 2013, issue of the *Texas Register* (38 TexReg 6561).

**2. REASONED JUSTIFICATION.** The repeal is necessary because Senate Bill 1702, 83rd Legislature (2013), Regular Session, repealed Insurance Code §2210.260, which provided the statutory support for the program.

**3. HOW THE SECTIONS WILL FUNCTION.** The adoption of the repeal of 28 TAC §§5.4920 – 5.4926 will eliminate the rules pertaining to TWIA's Alternative Eligibility Program.

**4. SUMMARY OF COMMENTS.**

The department did not receive any comments on the proposed repeal.

**5. STATUTORY AUTHORITY.** The repeal is adopted under Insurance Code §§2210.008, 2210.151, and 36.001. Section 2210.151 provides that the commissioner of insurance shall adopt a plan of operation by rule to provide Texas windstorm and hail

insurance in a catastrophe area. Sections 2210.008 and 36.001 provide that the commissioner of insurance may adopt any rules necessary and appropriate to implement the powers and duties of the department under the Insurance Code and other laws of this state.

**7. TEXT.****§5.4920. Alternative Eligibility Program.****§5.4921. Requirements for Obtaining and Renewing Alternative Eligibility Program Coverage.****§5.4922. Alternative Certification.****§5.4923. How to Obtain an Alternative Certification.****§5.4924. Qualifying Components.****§5.4925. Notice.****§5.4926. Alternative Eligibility Forms.**

**2874**

TITLE 28. INSURANCE  
Part I. Texas Department of Insurance  
Chapter 5. Property and Casualty Insurance

Adopted Sections  
Page 3 of 3

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

Issued at Austin, Texas, on November 25, 2013.



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Sara Waitt  
General Counsel  
Texas Department of Insurance

The commissioner adopts the repeal of §§5.4920 – 5.4926.



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Julia Rathgeber  
Commissioner of Insurance

COMMISSIONER'S ORDER NO. **2874**