

No. **2021-7128**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 12/29/2021

Subject considered:

Assessment of Rates for Maintenance Taxes and Fees

General remarks and official action taken:

The subject of this order is the assessment of rates for maintenance taxes and fees to generate revenue for the operating account of the Texas Department of Insurance (TDI). The following Insurance Code, Labor Code, and Administrative Code provisions provide for adjusting the rates for maintenance taxes and fees each calendar year:

Insurance Code §§ 201.001(a)(1), (b), and (c); 201.052(a), (d), and (e); 251.001; 252.001–252.003; 253.001–253.003; 254.001–254.003; 255.001–255.003; 257.001–257.003; 258.002–258.004; 259.002–259.004; 271.002–271.006; and 964.068;

Labor Code §§ 403.002, 403.003, 403.005, 405.003(a)–(c), 407.103, 407.104(b), 407A.301, and 407A.302; and

28 Texas Administrative Code (TAC) § 1.414.

TDI adopted amendments to 28 TAC § 1.414 on December 9, 2020, providing for the Commissioner to set rates for maintenance taxes and fees by order annually. TDI held a stakeholder meeting to discuss this year's proposed rates on November 17, 2021.

Methodology

TDI's maintenance tax revenue need is calculated as the amount of revenue needed to reach the targeted year-end fund balance, taking into account the beginning balance, expected non-maintenance tax revenues, and estimated expenditures. For each line of insurance, the rate is calculated by dividing the revenue need by the estimated premium volume or assessment base. If the calculated rate is above the statutory rate, the rate is set at the

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statutory maximum and any revenue shortfall is spread to the other maintenance tax lines, increasing the revenue need and tax rates for the remaining lines.

Rates

The Commissioner assesses the rates for maintenance taxes and fees on correctly reported gross premiums of insurers for calendar year 2021 for the following lines of insurance:

- (1) For motor vehicle insurance, under Insurance Code § 254.002, the rate is 0.042 of 1%;
- (2) For casualty insurance and fidelity, guaranty, and surety bonds, under Insurance Code § 253.002, the rate is 0.044 of 1%;
- (3) For fire insurance and allied lines, including inland marine, under Insurance Code § 252.002, the rate is 0.251 of 1%;
- (4) For workers' compensation insurance, under Insurance Code § 255.002, the rate is 0.070 of 1%;
- (5) For workers' compensation insurance, under Labor Code § 403.003, the rate is 2%;
- (6) For workers' compensation insurance, under Labor Code § 405.003, the rate is 0.033 of 1%;
- (7) For workers' compensation insurance, under Labor Code § 407A.301, the rate is 2%;
- (8) For workers' compensation insurance, under Labor Code § 407A.302, the rate is 0.070 of 1%; and
- (9) For title insurance, under Insurance Code § 271.005, the rate is 0.044 of 1%.

The Commissioner assesses the rate for the maintenance tax on correctly reported gross premiums for calendar year 2021 for life, health, and accident insurance and the gross considerations for annuity and endowment contracts, under Insurance Code § 257.002, at 0.040 of 1%.

The Commissioner assesses the rates for maintenance taxes for calendar year 2021 for the following entities:

- (1) Under Insurance Code § 258.003, the rate is \$0.29 per enrollee for single service health maintenance organizations, \$0.87 per enrollee for multiservice health maintenance organizations, and \$0.29 per enrollee for limited service health maintenance organizations; and

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- (2) Under Insurance Code § 259.003, the rate is 0.011 of 1% of the reported gross amount of administrative or service fees for third-party administrators.

The Commissioner assesses the rate for the maintenance tax under Labor Code § 405.003 for each certified self-insurer to fund the Workers' Compensation Research and Evaluation Group in calendar year 2022 at a rate of 0.033 of 1% of the tax base. The rate was calculated under Labor Code § 407.103(b) and will be billed to the certified self-insurer by the Division of Workers' Compensation.

The Commissioner assesses the rate for the maintenance tax under Labor Code §§ 405.003 and 407A.301 for each workers' compensation self-insurance group to fund the Workers' Compensation Research and Evaluation Group in calendar year 2022 at a rate of 0.033 of 1% of the tax base. The rate was calculated under Labor Code § 407.103(b).

The Commissioner assesses the rate for the self-insurer maintenance tax under Labor Code §§ 407.103 and 407.104 for each certified self-insurer in calendar year 2022 at a rate of 2% of the tax base. The rate was calculated under Labor Code § 407.103(b) and will be billed to the certified self-insurer by the Division of Workers' Compensation.

Order

It is ordered that the rates for the maintenance taxes and fees assessed in this order are adopted.

The Commissioner further orders that the maintenance taxes and fees assessed in this order for all entities, except workers' compensation certified self-insurers, are payable and due to the Comptroller of Public Accounts on March 1, 2022.

The Commissioner further orders that the maintenance taxes assessed under this order for workers' compensation certified self-insurers will be billed to the certified self-insurer by the Division of Workers' Compensation.

The Commissioner further orders that the assessments in this order are in addition to any other charges that may be made under the Insurance Code and Labor Code.

DocuSigned by:

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Cassie Brown
Commissioner of Insurance

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