

TDI DOCKET NO. 2851

CONSIDERATION OF	§	BEFORE THE
A REQUEST TO CHANGE THE	§	COMMISSIONER OF INSURANCE
TITLE INSURANCE BASIC PREMIUM	§	FOR THE STATE OF TEXAS

PETITION TO HOLD TITLE INSURANCE TITLE RATE RULEMAKING HEARING AND DENY PROPOSAL TO ADOPT TLTA’S PROPOSED AMENDMENTS

TO THE HONORABLE CASSIE BROWN, COMMISSIONER OF INSURANCE:

The Office of Public Insurance Counsel (OPIC) files this petition to hold the Periodic Title Insurance Rate Hearing as a rulemaking proceeding as requested by the Texas Land Title Association (TLTA) and to deny TLTA’s request for the Commissioner to adopt its proposed amendments to 28 TEX. ADMIN. CODE§ 9.1. In support of this motion, OPIC makes the following allegations upon information and belief:

Jurisdiction

The Commissioner of Insurance has jurisdiction over this matter under TEX. INS. CODE § 2703.202 and TEX. GOV’T CODE § 2001.021, and 28 Tex. Admin. Code § 9.1.

Factual Allegations

1. On November 1, 2024, TLTA filed a petition requesting that the Commissioner hold a rulemaking proceeding and rule adoption to fix and promulgate a title insurance premium rate pursuant to TEX. INS. CODE § 2703.202(b). TLTA further requested that the Commissioner instruct the TDI Office of the Chief Clerk to submit a proposed rule (attached to the TLTA petition) to the Texas Register for publication.
2. In response to that request, the Commissioner announced that she would:
 - (a) accept written and oral comments on title insurance premium rates in a public hearing under Docket No. 2851 at 2:00 p.m. on Tuesday, January 21, 2025, in

Room 2.035 of the Barbara Jordan Building, 1601 Congress Ave., Austin, Texas;

(b) take all comments into consideration and will consider each matter presented in the hearing; and

(c) announce all decisions on the matter in a public hearing at 2:00 p.m. on Thursday, February 6, 2025, in Room 2.034 of the Barbara Jordan Building, 1601 Congress Ave., Austin, Texas.

3. The rule and rates proposed by TLTA, as well as TLTA's request for a rate decrease of no more than 1%, are unsupported by the actual data, including that already gathered by or submitted to, TDI, which demonstrate instead a need for a substantial decrease in title insurance rates.

Legal Allegations

TEX. INS. CODE § 2703.202(b) provides that the Commissioner "shall order a public hearing to consider changing a premium rate, including fixing a new premium rate, in response to a written request of ..." among others, "the office of public insurance counsel." 28 TEX. ADMIN. CODE § 1.202(e)(2).

Relief Sought

1. OPIC respectfully requests that the Commissioner deny the publication and adoption of TLTA's proposed amendments to 28 TEX. ADMIN. CODE § 9.1 pursuant to TEX. GOV'T CODE § 2001.021.

2. OPIC respectfully requests that the Commissioner instead:

(a) hold the title insurance rate rulemaking hearing already scheduled pursuant to TEX. INS. CODE § 2703.202, specifically subsections (a) - (c), (g), (i), and (j); and

(b) submit the commissioner's proposed rule to the Texas Register for publication and issue an order stating the reasons the TLTA petition was denied in part if the published version of the rule is substantially different from the petitioner's recommendation, pursuant to 28 TEX. ADMIN. CODE § 1.202(e)(2).

3. Additionally, OPIC requests that the Commissioner consolidate this petition with TLTA's petition filed on November 1, 2024.

OPIC respectfully requests that the Commissioner of Insurance grant this petition and award the relief requested.

Respectfully Submitted,



David Bolduc
Public Counsel
State Bar No. 02570500
Office of Public Insurance Counsel
1601 Congress Avenue, Suite 3.500
Austin, Texas 78701-3942
(512) 322-4142 (Direct)
dbolduc@opic.texas.gov

Drew Salzer
Deputy Public Counsel
State Bar No. 24117938
Office of Public Insurance Counsel
1601 Congress Avenue, Suite 3.500
Austin, Texas 78701-3942
(512) 322-XXXX (Direct)
dsalzer@opic.texas.gov

ATTORNEYS FOR OFFICE OF PUBLIC
INSURANCE COUNSEL

CERTIFICATE OF SERVICE

In accordance with Tex. Admin. Code § 1.202, I certify that on November 12, 2024, a true and correct copy of this petition was sent to the following, by the methods specified below:

Stanton Strickland

Via electronic mail at: sstrickland@mvlaw.com.com

Mitchell, Williams, Selig, Gates, and Woodyard, P.L.L.C

