

Chapter 7. Corporate and Financial Regulation
Subchapter M. Regulatory Fees
28 TAC §7.1301

INTRODUCTION. The commissioner of insurance adopts amendments to 28 TAC §7.1301, concerning regulatory fees and the repeal of §7.1302. The amendments are adopted without changes to the proposed text published in the October 4, 2024, issue of the *Texas Register* (49 TexReg 8049).

REASONED JUSTIFICATION. Amending §7.1301 and repealing §7.1302 are necessary to conform to the proposed repeal, amendment, and addition of new sections in 28 TAC Chapter 3, Subchapter A, which are also adopted in this edition of the *Texas Register*. Rules in 28 TAC Chapter 3, Subchapter A, are expanded to include filings by health maintenance organizations (HMOs). The fee amounts for HMO filings addressed in §7.1301 are replaced with fee amounts specified in new 28 TAC §3.13. Former 28 TAC §3.7, which referenced the billing system in §7.1302, is repealed. New 28 TAC §3.13 requires filing fees to be paid through the electronic funds transfer (EFT) system provided within the System for Electronic Rates & Forms Filing (SERFF). This change eliminates the need for the electronic billing system; thus, §7.1302 is repealed.

Descriptions of the adopted amendments follow.

Section 7.1301. Regulatory Fees. Amendments to subsection (g) revise paragraph (4) and delete paragraph (5) to remove the existing provisions that specify a fee of \$100 for an evidence of coverage that requires approval, and a fee of \$50 for a filing that is required

by rule but that does not require approval. Subsection (g)(4) is amended to reference filing fees specified in 28 TAC §3.13 for a filing governed by 28 TAC Chapter 3, Subchapter A. Subchapter A of 28 TAC Chapter 3 applies to form, rate advertising, network, group eligibility, and informational filings for life and health products, and also applies to HMO products. As adopted separately in this edition of the *Texas Register*, 28 TAC §3.13 requires a fee of \$100 for form and rate filings (including HMO evidence of coverage forms and their associated schedules of charges), subject to certain exceptions, and no fee for other types of filings (such as network filings). In addition, the Texas Department of Insurance (TDI) adopts nonsubstantive changes throughout §7.1301 to conform to agency style and usage guidelines, and to add titles to Insurance Code references.

Repeal of §7.1302. TDI adopts the repeal of §7.1302, which established TDI's internal billing system. This change aligns with the repeal of former 28 TAC §3.7, and the adoption of new 28 TAC §3.13, which requires issuers to pay filing fees previously governed by §7.1302 through the SERFF EFT system. This change will increase efficiency for TDI and issuers by reducing the administrative work involved in creating, processing, and paying invoices.

SUMMARY OF COMMENTS. TDI provided a 30-day public comment period that ended on November 4, 2024. TDI did not receive any comments on the proposed amendments or repeal.

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28 TAC §7.1301

STATUTORY AUTHORITY. The commissioner adopts amendments to §7.1301 under Insurance Code §§843.154, 1153.005, 1153.006, 1701.053, and 36.001.

Insurance Code §843.154 provides that the commissioner, within the limits provided by the section, prescribe the fees to be charged under the section.

Insurance Code §1153.005 provides that the commissioner, after notice and hearing, may adopt rules to implement Insurance Code Chapter 1153.

Insurance Code §1153.006 provides that TDI set a fee not to exceed \$200 for a form or schedule filed under Insurance Code Chapter 1153.

Insurance Code §1701.053 provides that TDI collect a fee in an amount determined by the commissioner for the filing of the form of a document under Insurance Code Chapter 1701.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement TDI's powers and duties under the Insurance Code and other laws of this state.

TEXT.**§7.1301. Regulatory Fees.**

(a) Regulated entities subject to fees. The regulated entities subject to the fees imposed by this section include all authorized insurers writing any class of insurance in this state that are regulated by Insurance Code Title 2, concerning Texas Department of Insurance; Title 6, concerning Organization of Insurers and Related Entities; Title 7,

concerning Life Insurance and Annuities; Title 8, concerning Health Insurance and Other Health Coverages; Title 9, concerning Provisions Applicable to Life and Health Coverages; Title 10, concerning Property and Casualty Insurance; Title 11, concerning Title Insurance; and Title 12, concerning Other Coverage. For filings and other actions received by the Texas Department of Insurance (department) on and after the effective date of this section, the department will charge these entities fees in amounts in accordance with the provisions of this section. Filings or other actions received by the department before the effective date of this section will be governed by this subchapter as it existed immediately prior to that date.

(b) Fees for insurers with annual gross premium receipts less than \$450,000. As provided in Insurance Code §202.004, concerning Reduced Fees for Certain Insurers, any insurer to which Insurance Code Chapter 202, concerning Fees, applies and whose gross premium receipts are less than \$450,000 according to its annual statement for the preceding year ending December 31, is required to pay only one-half the amount of the fees required to be paid under subsection (d) or subsection (e) of this section. The fees will be collected at the higher rate unless the applicant can provide the department with satisfactory documentation that gross premium receipts were less than \$450,000.

(c) Fees for specified filings under Insurance Code Chapter 1701, concerning Policy Forms. Fees for specified filings under Insurance Code Chapter 1701 are set forth in and governed by Chapter 3, Subchapter A of this title (relating to Submission Requirements for Filings and Departmental Actions Related to Such Filings).

(d) Fees for authorized insurers writing classes of insurance in this state that are regulated by Insurance Code Titles 2 and 6 - 12. For the following filings and actions, the fees are as follows.

(1) For classes of insurance for which statutory authority exists for collecting annual statement fees, the fee for filing annual statements is \$250 unless otherwise specified.

(2) For filing amendments to certificate of authority if charter is not amended, the fee is \$0.

(3) For reservation of name, the fee is \$0.

(4) For renewal of reservation of name, the fee is \$0.

(5) For filing application for admission of a foreign or alien insurance company, including issuance of certificate of authority, the fee is \$0.

(6) For filing original charter, including issuance of certificate of authority, the fee is \$0.

(7) For filing amendment to charter, including issuance of certificate of authority, if a hearing is held, the fee is \$0.

(8) For filing amendment to charter, including issuance of certificate of authority, if a hearing is not held, the fee is \$0.

(9) For filing designation of attorney for service of process or amendment to that, the fee is \$0.

(10) For filing a total reinsurance agreement, the fee is \$0.

(11) For filing a partial reinsurance agreement, the fee is \$0.

(12) For filing a direct reinsurance agreement under Insurance Code Chapter 884, Subchapter K, concerning Direct Reinsurance Agreements, the fee is \$0.

(13) For filing for approval of reinsurance agreement under Insurance Code Chapter 828, concerning Purchase of Stock for Total Assumption Reinsurance, the fee is \$0.

(14) For filing for approval of merger under Insurance Code Chapter 824, concerning Merger and Consolidation of Stock Insurance Corporations, the fee is \$0.

(15) For accepting a security deposit, excluding deposits made under Insurance Code §425.002, concerning Certain Insurers: Deposit of Securities, Money, or Property in Amount of Legal Reserves, the fee is \$0.

(16) For substitution/amendment of a security deposit, excluding deposits made under Insurance Code §425.002, the fee is \$0.

(17) For certification of statutory deposit, the fee is \$0.

(18) For filing notice of intent to relocate the books/records under Insurance Code Chapter 803, concerning Location of Books, Records, Accounts, and Offices Outside of This State, the fee is \$0.

(19) For filing restated articles of incorporation for domestic/foreign companies, the fee is \$0.

(20) For filing a statement under Insurance Code Chapter 823, Subchapter D, concerning Control of Domestic Insurer; Acquisition or Merger, and Subchapter E, concerning Acquisition Statement, for the first \$9,900,000 of the purchase price or consideration, the fee is \$0.

(21) For filing a statement under Insurance Code Chapter 823, Subchapters D and E, if the purchase price or consideration exceeds \$9,900,000, the fee is \$0.

(22) For filing registration statement under Insurance Code Chapter 823, Subchapter B, concerning Registration, the fee is \$0.

(23) For filing for review under Insurance Code Chapter 823, Subchapter C, concerning Transactions of Registered Insurer, or Chapter 884, Subchapter L, concerning Direct Reinsurance Agreements with Mutual Assessment Companies, the fee is \$0.

(24) For filing for an exemption under Insurance Code §823.164, concerning Exemptions from Subchapter, the fee is \$0.

(e) Other fees established by Insurance Code Chapter 202. For the following filings, the fee is as follows.

(1) For filing joint control agreement, the fee is \$0.

(2) For filing substitution/amendment to the joint control agreement, the fee is \$0.

(3) For filing a change in attorney in fact, the fee is \$0.

(f) Administrative procedures.

(1) When a reinsurance agreement or merger agreement is filed with the department, as enumerated in subsection (d)(10) - (14) of this section, the appropriate fee will be determined based on the ceding or merged company.

(2) The fee relating to reinsurance transactions entered into under Insurance Code Chapter 823, Subchapter C, and subsection (d)(23) of this section will be based on the ceding company.

(3) When an amendment to a reinsurance agreement between affiliated insurers is filed with the department, as mentioned in paragraph (1) of this subsection, the appropriate fee will be based on the ceding company.

(4) An amendment to the charter would constitute any change in the original charter, including name change, home office change, increase in capital, conversion, and increase in lines.

(5) The fee relating to affixing the official seal and certifying to the seal will be applied to all requests for certification, irrespective of requesting party.

(6) The fees for filing an acquisition statement under Insurance Code Chapter 823, Subchapters D and E, and subsection (d)(20) and (21) of this section will apply to and be collected from the applicant whenever:

(A) the applicant is a regulated entity subject to this section; or

(B) the company being acquired is a regulated entity subject to this section.

(g) Fees under the Texas Health Maintenance Organization Act, Insurance Code Chapter 843, concerning Health Maintenance Organizations. For the following filings and actions, the fees are as follows.

(1) For filing original application for certificate of authority, the fee is \$0.

(2) For filing annual report, the fee is \$250.

(3) For all examinations made on behalf of the State of Texas by the department or under its authority, the fee will be an amount the commissioner certifies to be just and reasonable.

(4) For a filing governed by Chapter 3, Subchapter A of this title, fees are set forth in and governed by §3.13 of this title (relating to Filing Fees).

(h) Fees for filings under Insurance Code Chapter 1153, concerning Credit Life Insurance and Credit Accident and Health Insurance. Fees for filings under Insurance Code Chapter 1153 are set forth in and governed by Chapter 3, Subchapter A of this title.

(i) Fee for filing an annual statement under Insurance Code Chapter 841, concerning Life, Health, or Accident Insurance Companies. The fee for filing an annual statement is \$250.

Chapter 7. Corporate and Financial Regulation
Subchapter M. Regulatory Fees
Repeal of 28 TAC §7.1302

STATUTORY AUTHORITY. The commissioner adopts the repeal of §7.1302 under Insurance Code §§843.154, 1153.005, 1153.006, 1701.053, and 36.001.

Insurance Code §843.154 provides that the commissioner, within the limits provided by the section, prescribe the fees to be charged under the section.

Insurance Code §1153.005 provides that the commissioner, after notice and hearing, may adopt rules to implement Insurance Code Chapter 1153.

Insurance Code §1153.006 provides that TDI set a fee not to exceed \$200 for a form or schedule filed under Insurance Code Chapter 1153.

Insurance Code §1701.053 provides that TDI collect a fee in an amount determined by the commissioner for the filing of the form of a document under Insurance Code Chapter 1701.

Insurance Code §36.001 provides that the commissioner may adopt any rules necessary and appropriate to implement TDI's powers and duties under the Insurance Code and other laws of this state.

TEXT.

§7.1302. Billing System.

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

2025-9230

TITLE 28. INSURANCE
Part I. Texas Department of Insurance
Chapter 7. Corporate and Financial Regulation

Repealed and Adopted Sections
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Issued at Austin, Texas, on March 28, 2025.

Signed by:

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Jessica Barta, General Counsel
Texas Department of Insurance

The amendments to 28 TAC §7.1301 and the repeal of 28 TAC §7.1302 are adopted.

Signed by:

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Cassie Brown
Commissioner of Insurance

Commissioner's Order No. 2025-9230