

**Subchapter B. Fees, Charges, and Cost**  
**28 TAC §1.301 and §1.302**

**Subchapter J. Procedures for Vendor Protests of Procurements**  
**28 TAC §1.1101**

**Subchapter Q. Assignment and Use of Agency Vehicles**  
**28 TAC §1.1901 and §1.1904**

**INTRODUCTION.** The Texas Department of Insurance (TDI) proposes to amend 28 TAC §§1.301, 1.302, 1.1101, 1.1901, and 1.1904, concerning various sections that reference the General Services Commission (GSC). The GSC was abolished in 2001 under Senate Bill 311, 77th Legislature, 2001, and its duties were transferred to other state agencies under SB 452, 79th Legislature, 2005; SB 727, 79th Legislature, 2005; and House Bill 3560, 80th Legislature, 2007. Amendments to §1.301 and §1.302 implement SB 452 and SB 727. Amendments to §§1.1101, 1.1901, and 1.1904 implement HB 3560.

**EXPLANATION.** Amending §§1.301, 1.302, 1.1101, 1.1901, and 1.1904 is necessary to remove references to the GSC and its rules because the GSC was abolished under SB 311. After the GSC was abolished, its authority to determine the cost for copies of public records was transferred to the Office of the Attorney General (OAG) under SB 452 and SB 727. Additionally, the GSC's authority to determine procedures for vendor protests of procurement and determine the assignment and use of agency vehicles was transferred to the Texas Comptroller of Public Accounts (CPA) under HB 3560. Because the GSC's authority was transferred to other agencies after its abolition, TDI proposes amending sections of 28 TAC Chapter 1 to accurately cite the proper agencies and their rules. The amended sections are otherwise consistent with OAG and CPA rules, so no updates are needed beyond the references to the agencies and their rules.

Descriptions of the sections' proposed amendments follow.

**Section 1.301.** Amendments to §1.301 replace a reference to the GSC and its rules with a reference to the OAG and its rules, add the abbreviation "TDI" for the Texas Department of Insurance, and replace the word "shall" with "will" for consistency with TDI plain language preferences.

**Section 1.302.** Amendments to §1.302 remove the \$1 fee a custodian of records is entitled to under Civil Practices and Remedies Code §22.004, reducing the fee amount required by the section to \$10. Amendments also update the section for plain language by replacing "shall be" with "is" and "inclusive of" with "including," and they add the title for Civil Practice and Remedies Code §22.004 for clarity.

**Section 1.1101.** An amendment to §1.1101 replaces a reference to the GSC with a reference to the CPA and adds the relevant CPA rules' titles for clarity.

**Section 1.1901.** Amendments to §1.1901 replace a reference to the GSC with a reference to the CPA and add the title of Government Code §2171.1045 for clarity. The citation to Government Code §2171.1045 is also updated for plain language.

**Section 1.1904.** Amendments to §1.1904 replace the reference to the GSC with a reference to the CPA and ensure the full title of the State Vehicle Fleet Management Plan is in the text.

In addition, the proposed amendments include nonsubstantive rule drafting and formatting changes for plain language and to conform the sections to TDI's current style and improve the sections' clarity. These changes include replacing "shall" with "must" or "will."

**FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT.** Justin Beam, chief clerk, General Counsel Division, has determined that during each year of the first five years the proposed amendments are in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the amendments, other than that imposed by statute. Mr. Beam made this determination because the proposed amendments do not significantly add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed amendments.

Mr. Beam does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

**PUBLIC BENEFIT AND COST NOTE.** For each year of the first five years the proposed amendments are in effect, Mr. Beam expects that administering them will have the public benefit of ensuring that TDI's rules conform to current agency rules and practices under SB 452, SB 727, and HB 3560, as well as reducing fees for certification of records.

Mr. Beam expects that the proposed amendments will decrease the cost of compliance because they decrease an existing fee and do not impose new requirements or impose requirements beyond those in statute. The proposed amendments simply update rule sections to reflect changes concerning applicable agencies made by SB 452, SB 727, HB 3560.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS.** TDI has determined that the proposed amendments will not have an adverse economic effect on small or micro businesses, or on rural communities. This is because the amendments decrease an existing fee and do not impose new requirements or impose requirements

beyond those in statute. As a result, and in accordance with Government Code §2006.002(c), TDI is not required to prepare a regulatory flexibility analysis.

**EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045.** TDI has determined that this proposal does not impose a possible cost on regulated persons. Therefore, no additional rule amendments are required under Government Code §2001.0045.

**GOVERNMENT GROWTH IMPACT STATEMENT.** TDI has determined that for each year of the first five years that the proposed amendments are in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will decrease fees paid to the agency;
- will not create a new regulation;
- will not expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

**TAKINGS IMPACT ASSESSMENT.** TDI has determined that no private real property interests are affected by this proposal and that this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

**REQUEST FOR PUBLIC COMMENT.** TDI will consider any written comments on the proposal that are received by TDI no later than 5:00 p.m., central time, on September 15, 2025. Send your comments to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov) or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030.

To request a public hearing on the proposal, submit a request before the end of the comment period to [ChiefClerk@tdi.texas.gov](mailto:ChiefClerk@tdi.texas.gov) or to the Office of the Chief Clerk, MC: GC-CCO, Texas Department of Insurance, P.O. Box 12030, Austin, Texas 78711-2030. The request for public hearing must be separate from any comments and received by TDI no later than 5:00 p.m., central time, on September 15, 2025. If TDI holds a public hearing, TDI will consider written and oral comments presented at the hearing.

### **Subchapter B. Fees, Charges, and Costs 28 TAC §1.301 and §1.302**

**STATUTORY AUTHORITY.** TDI proposes to amend §1.301 and §1.302 under Government Code §552.262 and Insurance Code §§202.003(a), 202.051(2), and 36.001.

Government Code §552.262 requires each state agency to use the rules adopted by the OAG in determining charges for providing copies of public information.

Insurance Code §202.003(a) directs TDI to set and collect a fee for copying any paper of record in an amount sufficient to reimburse the state for the actual expense.

Insurance Code §202.051(2) directs TDI to impose and receive from each authorized insurer writing insurance in Texas a fee for affixing the official seal and certifying to the seal in an amount not to exceed \$20.

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.

**CROSS-REFERENCE TO STATUTE.** Section 1.301 and §1.302 implement Government Code §552.262 and Insurance Code §202.003(a) and §202.051(2).

**TEXT.**

**§1.301. Charges for Copies of Public Records.**

(a) The charge to any person requesting copies of any public record of the Texas Department of Insurance (TDI) will ~~[shall]~~ be the charge for such copy or copies as established by the Office of the Attorney General in 1 TAC Chapter 70 (relating to Cost of Copies of Public Information) ~~[General Services Commission in 1 TAC §§111.61-111.70]~~.

(b) TDI ~~[The Texas Department of Insurance]~~ may waive the charges addressed in subsection (a) of this section, at the discretion of the commissioner~~[-]~~ or the commissioner's designee, if a public benefit would result from such waiver.

**§1.302. Charges for Affixing the Official Seal and Certifying to the Seal.**

The charge to any person or entity requesting the affixing of the official seal and certifying to the seal is \$10 ~~[shall be \$11, inclusive of the \$1.00 fee required by the Civil Practice and Remedies Code, §22.004]~~.

**Subchapter J. Procedures for Vendor Protests of Procurements**  
**28 TAC §1.1101**

**STATUTORY AUTHORITY.** TDI proposes to amend §1.1101 under Government Code §2155.076 and Insurance Code §36.001.

Government Code §2155.076 requires each state agency by rule to develop and adopt protest procedures for resolving vendor protests relating to purchasing issues that are consistent with the CPA's rules.

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.

**CROSS-REFERENCE TO STATUTE.** Section 1.1101 implements Government Code §2155.076.

**TEXT.**

**§1.1101. Purpose.**

The purpose of this subchapter is to provide a protest procedure to be used by any actual or prospective bidder, offeror, proposer, or contractor who is aggrieved in connection with the solicitation, evaluation, or award of a contract by the department. These procedures are consistent with rules adopted by the Texas Comptroller of Public Accounts in 34 TAC Chapter 20, Subchapter F, Division 3 (relating to Protests and Appeals) [~~General Services Commission~~].

**Subchapter Q. Assignment and Use of Agency Vehicles**  
**28 TAC §1.1901 and §1.1904**

**STATUTORY AUTHORITY.** TDI proposes to amend §1.1901 and §1.1904 under Government Code §2171.1045 and Insurance Code §36.001.

Government Code §2171.1045 requires each state agency to adopt rules consistent with the management plan adopted by the CPA under Government Code §2171.104.

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.

**CROSS-REFERENCE TO STATUTE.** Section 1.1901 and §1.1904 implement Government Code §2171.104 and §2171.1045.

**TEXT.**

**§1.1901. Purpose.**

This subchapter sets out the process for the assignment and use of the department's vehicles. This subchapter implements ~~[the provisions of §2171.1045 of the Texas]~~ Government Code §2171.1045, concerning Restrictions on Assignment of Vehicles, and is consistent with the State Vehicle Fleet Management Plan as adopted by the Office of Vehicle Fleet Management of the Texas Comptroller of Public Accounts ~~[General Services Commission]~~.

**§1.1904. Waiver or Exemption.**

The department will cooperate with the Texas Comptroller of Public Accounts ~~[General Services Commission]~~ to identify, request and, if appropriate, use any waiver or exemption provision in the State Vehicle Fleet Management Plan based on conditions specific to the department in the interest of promoting fiscal efficiency and good business practices.

**CERTIFICATION.** The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Issued in Austin, Texas, on July 31, 2025.

Signed by:  
*Jessica Barta*  
5DAC5618BBC74D4... \_\_\_\_\_  
Jessica Barta, General Counsel  
Texas Department of Insurance