

2025-9665

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Subchapter C. Texas Title Insurance Statistical Plan **28 TAC §9.402**

INTRODUCTION. The commissioner of insurance adopts new 28 TAC §9.402, concerning annual submission of title insurance statistical reports. Section 9.402 implements Insurance Code §2703.153. The new section is adopted with changes to the proposed text published in the August 15, 2025 issue of the *Texas Register* (50 TexReg 5308). Section 9.402 was revised in response to public comments.

REASONED JUSTIFICATION. TDI is required by Insurance Code §2703.153 to promulgate title insurance rates based on data submitted annually from title insurance agents and companies. Insurance Code §2703.153 also requires title insurance agents and companies to report that data to TDI annually. TDI then publishes a compilation report about the data following its collection and review.

The new section is necessary to increase the efficiency of data collection by creating fixed annual reporting due dates for the industry with corresponding due dates for the Texas Department of Insurance (TDI) to publish instructions for the data collection and to publish compilation reports. This will make the annual data collection consistent and efficient without issuing a data call bulletin, aiding both TDI and the industry. In response to stakeholder comments, TDI changed the data reporting requirements to a later time in the year and added an additional month for TDI to compile the data received from the industry. Additionally, TDI added "reporting forms" to subparagraph (a) of the rule in response to a comment.

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SUMMARY OF COMMENTS AND AGENCY RESPONSE. TDI provided an opportunity for public comment on the rule proposal for a period that ended on September 15, 2025. A commenter requested a hearing, and TDI extended the comment period to the close of business on October 7, 2025, following the conclusion of the hearing.

Commenters: TDI received written comments from 13 commenters and heard from six commenters at a public hearing held on October 7, 2025. Commenters in support of the proposal were the Office of Public Insurance Counsel and Texans for Free Enterprise. Commenters in support of the proposal with changes were Fidelity National Financial, First American Title Insurance Co., Stewart Title, WFG National Title Insurance, Texas Land Title Association, First National Title Insurance, Aaron Day in his official capacity for TLTA, and four individual commenters.

Comments on §9.402

Comment. Most commenters support the rule but suggest that the proposed deadlines for industry data reporting are too early in the year and would be unduly burdensome. The deadlines would align with several other competing deadlines for audits, tax filings, financial reporting, and other regulatory filings that occur at or near the same time as TDI's proposed dates. The commenters assert that having the statistical plan data reporting coincide with these other reporting obligations would overwhelm title agents' and companies' accounting resources--the volume required at the same time would be too much.

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Most of these commenters request that TDI change the reporting dates for title insurance agents from March 1 to May 1, and for title companies from April 1 to June 1. Others suggested the compliance dates be changed to May 15 and June 15. And two commenters suggested that TDI adopt the rule without changes to the dates.

Agency Response. TDI appreciates the commenters' input and agrees to change the deadlines dates to May 1 for title agents and June 1 for title companies.

Comment. One of the commenters suggests that TDI amend subsection (a) to add "and fillable report forms" in addition to the sentence stating that TDI will make available instructions for submitting reports. The commenter also suggests that TDI make a single date of "on or before February 1" for both the agent and company instructions instead of staggering the instructions and forms on February 1 for agents and March 1 for companies.

Agency Response. TDI agrees to add "and reporting forms" for additional clarity of the industry's expectation of what instructions and resources TDI will provide for data reporting. Instead of using "fillable report forms," TDI will call them "reporting forms." This will allow the department to not be limited if a superior format becomes available. TDI declines to combine issuing instructions and reporting forms for agents and companies on the same date to be consistent with how the data calls were issued in the past. Since the rule text allows for instructions and forms for agents and companies to be available at the same time, when possible, TDI declines to change that portion of the rule.

Comment. One of the commenters suggests that TDI amend subsection (d) to have both compilation reports published on the same day instead of staggering them a month apart.

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Agency Response. TDI disagrees with having the agent and company compilation reports published on the same day, since the data received for both of those reports are staggered. TDI will change the dates of the compilation report deadlines to harmonize with the deadline changes for subsections (b) and (c).

Comment. One of the commenters suggests that TDI amend subsections (b) and (c) to move the reporting deadlines to June 15 for title agents and July 15 for title companies.

Agency Response. TDI disagrees with those deadlines because it is counter to the goal of having more current data available for ratemaking. Changing those reporting deadlines would push the compilation reports past the end of the same year. In response to other comments, TDI has changed the reporting dates to May 1 and June 1.

Subchapter C. Texas Title Insurance Statistical Plan 28 TAC §9.402

STATUTORY AUTHORITY. The commissioner adopts new §9.402 under Insurance Code §§2551.003(a)(3), 2703.153(a) and (b), and 36.001.

Insurance Code §2551.003(a)(3) authorizes the commissioner to adopt rules the commissioner finds necessary to implement the purpose of Insurance Code Title 11.

Insurance Code §2703.153(a) requires that each title insurance company and title insurance agent engaged in the business of title insurance in this state annually report data to TDI for the purpose of assisting with the promulgation of premium rates. Insurance Code §2703.153(b) authorizes TDI to establish the form in which title insurance data is submitted to TDI.

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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.

TEXT.

§9.402. Annual Submission of Title Insurance Statistical Reports

(a) Each title insurance company and title insurance agent must submit its statistical report required by Insurance Code §2703.153, concerning Collection of Data for Fixing Premium Rates; Annual Statistical Report, in the form and manner TDI prescribes. Instructions for submission and reporting forms will be available on TDI's website by:

- (1) March 1 for title agents, and
- (2) April 1 for title companies.

(b) Title agents must submit their statistical report by May 1 of each year.

(c) Title companies must submit their statistical report by June 1 of each year.

(d) TDI will publish on its website compilation reports summarizing the submitted statistical reports by:

- (1) October 1 of each year for title agents; and
- (2) November 1 of each year for title companies.

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.

Issued at Austin, Texas, on December 11, 2025.

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Signed by:
Jessica Barta
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Jessica Barta, General Counsel
Texas Department of Insurance

New 28 TAC §9.402 is adopted.

Signed by:
C Brown
FC5D7EDDFFB4F8... _____
Cassie Brown
Commissioner of Insurance

Commissioner's Order No. 2025-9665