

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

INTRODUCTION. The Texas Department of Insurance (TDI) proposes new 28 TAC §9.402, concerning annual reporting of title insurance statistical data. Proposed new §9.402 implements Insurance Code §2703.153.

EXPLANATION. 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. New §9.402 is proposed to increase the efficiency of data collection by creating fixed annual reporting due dates for the industry with corresponding due dates for TDI to publish instructions for the data collection and compilation reports. This will allow the data collection to proceed at a consistent and predictable time every year without issuing a data call bulletin. This will aid both TDI and the industry.

A description of the new section follows.

Section 9.402. Proposed new subsection (a) restates the statutory requirement for annual data collection and establishes the annual dates for TDI to publish instructions for title insurance agents and underwriters. New subsections (b) and (c) establish the dates that the industry data is required to be reported to TDI. Subsection (d) establishes the dates that TDI will publish the compilation reports for agents and companies.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. J'ne Byckovski, chief actuary of the Property and Casualty Actuarial Office, has determined that during each

year of the first five years the proposed new section is in effect, there will be no measurable fiscal impact on state and local governments as a result of enforcing or administering the new section other than that imposed by the statute. Ms. Byckovski made this determination because the proposed new section does not add to or decrease state revenues or expenditures, and because local governments are not involved in enforcing or complying with the proposed new section.

Ms. Byckovski 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 new section is in effect, Ms. Byckovski expects that administering the proposed section will have the public benefit of ensuring that TDI's rules conform to Insurance Code §2703.153 and that TDI receives the necessary data for setting title insurance rates on a consistent and predictable schedule.

Ms. Byckovski expects that the proposed new section will not increase the cost of compliance with Insurance Code §2703.153 because it does not impose requirements beyond those in the statute. Insurance Code §2703.153 requires that companies and agents report data to TDI annually, and this rule creates a consistent time and procedure for those required to report the data without changing their existing reporting costs. As a result, the cost associated with reporting data does not result from the enforcement or administration of the proposed new section.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS. TDI has determined that the proposed new section will not have an adverse economic effect on small or micro businesses, or on rural communities. The people and entities this rule will affect are already required to report data annually, and this rule would require only that

the data be reported at the same time every year. If anything, this predictability will increase efficiency for regulated people and entities. 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. Also, no additional rule amendments are required under Government Code §2001.0045 because the proposed rule is necessary to implement legislation. The proposed rule implements Insurance Code §2703.153(a) and (b).

GOVERNMENT GROWTH IMPACT STATEMENT. TDI has determined that for each year of the first five years that the proposed new rule is in effect, the 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 not require an increase or decrease in 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.

The proposed rule does not expand, limit, or repeal an existing regulation, but the changes would establish a consistent and predictable time for submission of data for title agents and title companies.

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 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 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 the TDI no later than 5:00 p.m., central time, on September 15, 2025. If a public hearing is held, TDI will consider written and oral comments presented at the hearing.

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STATUTORY AUTHORITY. TDI proposes 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 Texas Title Insurance Act.

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.

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. Proposed new §9.402 implements Insurance Code §2703.153.

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 will be available on TDI's website on or before:

(1) February 1 for title agents; and

(2) March 1 for title companies.

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

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

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

- (1) July 1 of each year for title agents; and
- (2) August 1 of each year for title companies.

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 30, 2025.

Signed by:

Jessica Barta

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Jessica Barta, General Counsel
Texas Department of Insurance