

By: Wentworth

S.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT

2 relating to title insurance obtained for certain commercial  
3 transactions.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 9, Insurance Code, is amended by adding  
6 Article 9.60 to read as follows:

7 Art. 9.60. WAIVER BY COMMISSIONER FOR CERTAIN LARGE  
8 COMMERCIAL TRANSACTIONS. (a) In this article, "large commercial  
9 transaction" means a commercial transaction that is valued at \$200  
10 million or more.

11 (b) The commissioner, on application and after notice and  
12 hearing, may waive any requirement imposed under this chapter that  
13 relates to title insurance obtained for a large commercial  
14 transaction that is:

15 (1) intended to promote the establishment of a  
16 manufacturing or industrial facility that is owned by a business  
17 entity that, at the time of the transaction, does not own any  
18 manufacturing or industrial facilities in this state; and

19 (2) identified by the executive director of the Texas  
20 Economic Development and Tourism Office as a transaction that will  
21 significantly benefit this state's economy.

22 (c) The commissioner, not later than the 20th day after the  
23 date the commissioner receives an application under Subsection (b),  
24 shall:

1           (1) hold the requested hearing; and

2           (2) grant or deny the requested waiver and issue any  
3 order necessary to implement the waiver.

4           (d) This article expires April 1, 2005.

5           SECTION 2. Chapter 2501, Insurance Code, as effective April  
6 1, 2005, is amended by adding Section 2501.008 to read as follows:

7           Sec. 2501.008. WAIVER BY COMMISSIONER FOR CERTAIN LARGE  
8 COMMERCIAL TRANSACTIONS. (a) In this section, "large commercial  
9 transaction" means a commercial transaction that is valued at \$200  
10 million or more.

11           (b) The commissioner, on application and after notice and  
12 hearing, may waive any requirement imposed under this title that  
13 relates to title insurance obtained for a large commercial  
14 transaction that is:

15           (1) intended to promote the establishment of a  
16 manufacturing or industrial facility that is owned by a business  
17 entity that, at the time of the transaction, does not own any  
18 manufacturing or industrial facilities in this state; and

19           (2) identified by the executive director of the Texas  
20 Economic Development and Tourism Office as a transaction that will  
21 significantly benefit this state's economy.

22           (c) The commissioner, not later than the 20th day after the  
23 date the commissioner receives an application under Subsection (b),  
24 shall:

25           (1) hold the requested hearing; and

26           (2) grant or deny the requested waiver and issue any  
27 order necessary to implement the waiver.

1           SECTION 3. (a) The legislature validates any waiver that  
2 is:

3                   (1) described by Article 9.60(b) or Section  
4 2501.008(b), Insurance Code; and

5                   (2) granted by the commissioner of insurance before  
6 the effective date of this Act.

7           (b) A waiver validated under this section is validated  
8 effective as of the date that it was granted.

9           (c) This section does not apply to any matter that on the  
10 effective date of this Act:

11                   (1) is involved in litigation, if the litigation  
12 ultimately results in the matter being held invalid by a final  
13 judgment of a court of competent jurisdiction; or

14                   (2) has been held invalid by a court of competent  
15 jurisdiction.

16           SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect on the 91st day after the last day of the  
21 legislative session.