

Amend **SB 1001** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 501.153, Insurance Code, is amended to read as follows:

Sec. 501.153. AUTHORITY TO APPEAR, INTERVENE, OR INITIATE. The public counsel:

(1) may appear or intervene, as a party or otherwise, as a matter of right before the commissioner or department on behalf of insurance consumers, as a class, in matters involving:

(A) rates, rules, and forms affecting:

(i) property and casualty insurance;

(ii) title insurance;

(iii) credit life insurance;

(iv) credit accident and health insurance;

or

(v) any other line of insurance for which the commissioner or department promulgates, sets, adopts, or approves rates, rules, or forms;

(B) rules affecting life, health, or accident insurance; or

(C) withdrawal of approval of policy forms:

(i) in proceedings initiated by the department under Sections 1701.055 and 1701.057; or

(ii) if the public counsel presents persuasive evidence to the department that the forms do not comply with this code, a rule adopted under this code, or any other law;

(2) may initiate or intervene as a matter of right or otherwise appear in a judicial proceeding involving or arising from an action taken by an administrative agency in a proceeding in which the public counsel previously appeared under the authority granted by this chapter;

(3) may appear or intervene, as a party or otherwise, as a matter of right on behalf of insurance consumers as a class in any proceeding in which the public counsel determines that insurance consumers are in need of representation, except that the public counsel may not intervene in an enforcement or parens

patriae proceeding brought by the attorney general; ~~[and]~~

(4) may appear or intervene before the commissioner or department as a party or otherwise on behalf of small commercial insurance consumers, as a class, in a matter involving rates, rules, or forms affecting commercial insurance consumers, as a class, in any proceeding in which the public counsel determines that small commercial consumers are in need of representation; and

(5) may initiate a special rate hearing before the State Office of Administrative Hearings under Section 2251.106(d).

SECTION _____. Section 2251.106, Insurance Code, is amended by amending Subsections (b) and (c) and adding Subsections (d) and (e) to read as follows:

(b) The public insurance counsel, not later than the 30th day after the date of a rate filing under this chapter, may:

(1) file with the commissioner a written objection to:

(A) ~~[(1)]~~ an insurer's rate filing; or

(B) ~~[(2)]~~ the criteria on which the insurer relied to determine the rate; or

(2) initiate a special rate hearing before the State Office of Administrative Hearings under Subsection (d).

(c) A written objection filed under Subsection (b)(1) ~~[(b)]~~ must contain the reasons for the objection.

(d) If the public insurance counsel determines that a rate filing under this subchapter does not comply with the standards established under Subchapter B, the public insurance counsel may request that the State Office of Administrative Hearings conduct a special rate hearing to determine whether the filed rate is excessive or unfairly discriminatory. A special rate hearing under this subsection shall be conducted in the same manner as a rate hearing is conducted under Chapter 40, except that the public insurance counsel shall perform the duties and may assume the powers assigned to the commissioner under Sections 40.059 and 40.060.

(e) If, after a special rate hearing under Subsection (d), the administrative law judge determines that an insurer has charged a rate for personal automobile insurance or residential property insurance that is excessive or unfairly discriminatory, as

described by Section 2251.051, the administrative law judge may order a refund or discount to the same extent and in the same amount that the commissioner may issue an order under Section 2254.003(b)(1). A decision of an administrative law judge under this subsection is subject to judicial review as provided by Subchapter D, Chapter 36, to the same extent and in the same manner as an action of the commissioner.