

1-1 By: Smithee (Senate Sponsor - Fraser) H.B. No. 4358
1-2 (In the Senate - Received from the House April 23, 2009;
1-3 May 6, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 13, 2009, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 13, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to rulemaking authority for administrative penalties
1-9 assessed for violations of the Insurance Code.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter A, Chapter 84, Insurance Code, is
1-12 amended by adding Section 84.004 to read as follows:

1-13 Sec. 84.004. RULEMAKING AUTHORITY. (a) The commissioner
1-14 may adopt and enforce reasonable rules that the commissioner
1-15 determines necessary to accomplish the purposes of this chapter.

1-16 (b) The commissioner may establish by rule the amount of an
1-17 administrative penalty to be imposed under Section 84.022 for a
1-18 specific violation.

1-19 (c) The existence or absence of a rule adopted under this
1-20 chapter does not limit the commissioner's authority to take any
1-21 action authorized by law.

1-22 SECTION 2. This Act takes effect immediately if it receives
1-23 a vote of two-thirds of all the members elected to each house, as
1-24 provided by Section 39, Article III, Texas Constitution. If this
1-25 Act does not receive the vote necessary for immediate effect, this
1-26 Act takes effect September 1, 2009.

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