

By: Smithee

H.B. No. 2840

A BILL TO BE ENTITLED

AN ACT

relating to petitions for judicial review of orders on excessive or unfairly discriminatory residential property premium rates.

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

SECTION 1. Section 36.202(a), Insurance Code, is amended to read as follows:

(a) Except as otherwise provided by Chapter 2251, after ~~After~~ failing to get relief from the commissioner, any insurance company or other party at interest who is dissatisfied with an action of the commissioner may file a petition for judicial review against the commissioner as defendant.

SECTION 2. Section 2251.103, Insurance Code, is amended by adding Subsection (d) to read as follows:

(d) The commissioner shall issue an order following a hearing under this section. The order is final and binding and not subject to judicial review in the courts of this state except as provided by Section 2251.007(b).

SECTION 3. Section 2251.104, Insurance Code, is amended by adding Subsection (c) to read as follows:

(c) An order issued under this section is final and binding and not subject to judicial review in the courts of this state except as provided by Section 2251.007(b).

SECTION 4. Section 2251.007, Insurance Code, is amended to read as follows:

1 Sec. 2251.007. ADMINISTRATIVE PROCEDURE ACT APPLICABLE.

2 (a) Chapter 2001, Government Code, applies to all rate hearings
3 conducted under this chapter.

4 (b) Notwithstanding Subsection (a), an appeal of a final
5 order issued under Section 2251.103 or 2251.104 based on an alleged
6 violation of a constitutional right must be commenced in the Court
7 of Appeals for the Third Court of Appeals District.

8 SECTION 5. This Act applies to an order issued under
9 Subchapter C, Chapter 2251, Insurance Code, on or after the
10 effective date of this Act. An order issued before the effective
11 date of this Act is governed by the law as it existed immediately
12 before the effective date of this Act, and that law is continued in
13 effect for that purpose.

14 SECTION 6. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2011.