

By: Ellis

S.B. No. 740

A BILL TO BE ENTITLED

AN ACT

relating to insurer rating practices requiring prior approval.

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

SECTION 1. Section 2251.151, Insurance Code, is amended by amending Subsection (a-1) and adding Subsection (a-2) to read as follows:

(a-1) For purposes of this section, rating practices that may require a filing under Subsection (a) include:

(1) the filing or use of a rate the commissioner determines to be excessive, inadequate, or unfairly discriminatory under this chapter; and

(2) the use of a rate that differs from the rate as determined in accordance with the rate filing made under Section 2251.101.

(a-2) If an insurer files a petition under Subchapter D, Chapter 36, for judicial review of an order disapproving a rate under this chapter, the insurer must use the rates in effect for the insurer at the time the petition is filed and may not file and use any higher rate for the same line of insurance subject to this chapter before the matter subject to judicial review is finally resolved unless the insurer, in accordance with this subchapter, files the new rate with the department, along with any applicable supplementary rating information and supporting information, and obtains the commissioner's approval of the rate.

1           SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect September 1, 2011.