

BILL ANALYSIS

Senate Research Center

H.B. 1902
By: Lewis, Glenn (Shapleigh)
Economic Development
4-27-97
Engrossed

DIGEST

Under current statutes, a conflict exists regarding the time period in which a party to a contested administrative action may file an appeal through a motion for rehearing. Under Article 1.33B, which governs contested cases heard by the State Office of Administrative Hearings, the parties are required to follow procedures set out in the Administrative Procedures Act. This Act provides a 20-day time period in which to file a motion for rehearing; however, under Article 1.10B(b) of the Texas Insurance Code, the appellant has only 15 days to file the motion for rehearing. Not only does this create confusion for parties outside the Department of Insurance who practice administrative law, it also creates an internal conflict for staff in determining when a motion for rehearing is timely filed. This bill repeals the subsection of the Insurance Code that establishes the 15-day time line for filing a motion for rehearing and makes that procedure subject to the Administrative Procedures Act.

PURPOSE

As proposed, H.B. 1902 repeals the subsection of the Insurance Code that establishes the 15-day time line for filing a motion for rehearing and makes that procedure subject to the Administrative Procedures Act.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 1.10B, Insurance Code, to require the Texas Department of Insurance (department), rather than the State Board of Insurance, notwithstanding Section 2001.142, Government Code, to mail to each party and the party's attorney of record in a contested case before the department or the commissioner of insurance (commissioner) a copy of the department's or commissioner's written decision or order in that case by certified mail, return receipt requested. Deletes existing text regarding a motion for rehearing in a contested case.

SECTION 2. Amends Subsection (b), Article 1.33B, Insurance Code, to make standard recodification changes.

SECTION 3. Amends Subsection (c)(1), Article 1.33B, Insurance Code, to make standard recodification changes.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.