



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

December 31, 1962

Honorable William A. Harrison  
State Board of Insurance  
Austin, Texas

Opinion No. WW-1512

Re: Whether the State Board  
of Insurance may con-  
tinue to supply rating  
data on the basis des-  
cribed in view of the  
enactment of Senate  
Bill 344, Acts 1961,  
57th Legislature,  
Regular Session.

Dear Sir:

You have asked our opinion concerning the payment of fees for data used in computing rates for the rating plans prescribed in Articles 5.77, 5.78 and 5.79 of the Texas Insurance Code. You state that you wish to know the effect of the enactment of Senate Bill 344, Acts 1961, 57th Legislature, R. S. on the payment of fees for copies of such data.

Senate Bill 344 amended Article 3913, V. C. S. Article 3913 prior to this amendment, set out the fees required for furnishing copies of any papers, documents, or records (to anyone except officers of the state.) Article 3913 specifically applied only to certain officers including the Commissioner of Insurance. Senate Bill 344 amended this article but dropped specific reference to the Commissioner of Insurance. Senate Bill 344 states:

"Each officer named above and all other officers of the State and heads of State departments shall cause to be collected the following fees for the services mentioned, except as otherwise provided by law."  
(Emphasis Added)

Article 3920, V. C. S. , provided for specific fees to be charged by the Board of Insurance Commission. This article was codified by Senate Bill 236, Chapter 491, 52nd Legislature, 1951, R. S. , into the Insurance Code.

Hon. William A. Harrison, Page 2 (WW-1512)

Section 4.07 of the Insurance Code incorporated the provision of Article 3920 concerning fees. Article 4.07 was in effect at the time the 57th Legislature passed Senate Bill 344.

It is apparent that Senate Bill 344 was not intended to affect fees charged by officers not named in the bill when the fee schedule of such officers was otherwise provided by law. Thus Section 4.07 of the Insurance Code is still in effect and is determinative of the fees to be charged by the Insurance Board for services rendered.

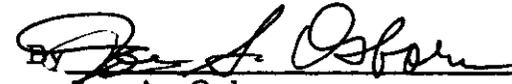
Article 4.07 of the Insurance Code makes it mandatory that the Board of Insurance Commissioners charge and collect "for every copy of any paper filed in the Department of Insurance, for each 100 words, not to exceed \$.20". Also, this Article requires that a \$1.00 fee be charged for affixing your official seal to any papers furnished. It is the opinion of this office that your department should charge \$.20 per copy of each page of such rating data, irrespective of the person to whom it is furnished.

SUMMARY

Fees for copies of rating data should be collected by the State Board of Insurance pursuant to Article 4.07 of the Texas Insurance Code.

Very truly yours,

WILL WILSON  
Attorney General of Texas

By   
Joe A. Osborn  
Assistant Attorney General

JAO:br

Hon. William A. Harrison, Page 3 (WW-1512)

APPROVED:

OPINION COMMITTEE

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Sam Wilson

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REVIEWED FOR THE ATTORNEY GENERAL

By: Leonard Passmore