INSURANCE CODE

TITLE 3. DEPARTMENT FUNDS, FEES, SURCHARGES, AND TAXES

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SUBTITLE C. INSURANCE MAINTENANCE TAXES AND SURCHARGES

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CHAPTER 251. GENERAL PROVISIONS

Sec. 251.001.  DETERMINING RATE OF ASSESSMENT.

Text of subsection effective until January 01, 2026

(a) The commissioner shall annually determine the rate of assessment of each maintenance tax imposed under this subtitle.

Text of subsection effective on January 01, 2026

(a)  The commissioner shall annually determine the rate of assessment of each maintenance tax or workers' compensation surcharge imposed under this subtitle.

(b)  In determining the rate of assessment, the commissioner shall consider the requirement to reimburse the appropriate portion of the general revenue fund under Section 201.052.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 5, eff. January 1, 2026.

Text of section effective until January 01, 2026

Sec. 251.002.  DUTY TO ADVISE COMPTROLLER OF RATE. The commissioner shall advise the comptroller of the applicable rate of assessment of a maintenance tax not later than the 45th day before the due date of the tax report for the period for which that tax is due.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 6, eff. January 1, 2026.

Text of section effective on January 01, 2026

Sec. 251.002.  DUTY TO ADVISE COMPTROLLER OF RATE.  The commissioner shall advise the comptroller of the applicable rate of assessment of a maintenance tax or workers' compensation surcharge not later than the 45th day before the due date of the tax or surcharge report for the period for which that tax or surcharge is due.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 6, eff. January 1, 2026.

Text of section effective until January 01, 2026

Sec. 251.003.  EFFECT OF LATE ADVISEMENT OF RATE. (a) Except as provided by Subsection (b), if the commissioner does not advise the comptroller of the applicable rate of assessment of a maintenance tax by the date required by Section 251.002, the rate of assessment is the rate applied in the previous tax period.

(b)  If the commissioner advises the comptroller of the applicable rate of assessment of a maintenance tax after the tax has been assessed, the comptroller shall:

(1)  advise each taxpayer in writing of the amount of any additional taxes due; or

(2)  refund any excess taxes paid.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 7, eff. January 1, 2026.

Text of section effective on January 01, 2026

Sec. 251.003.  EFFECT OF LATE ADVISEMENT OF RATE. (a)  Except as provided by Subsection (b), if the commissioner does not advise the comptroller of the applicable rate of assessment of a maintenance tax or workers' compensation surcharge by the date required by Section 251.002, the rate of assessment is the rate applied in the previous tax or surcharge period.

(b)  If the commissioner advises the comptroller of the applicable rate of assessment of a maintenance tax or workers' compensation surcharge after the tax or surcharge has been assessed, the comptroller shall:

(1)  advise each taxpayer or surcharge payer in writing of the amount of any additional taxes or surcharges due; or

(2)  refund any excess taxes or surcharges paid.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 7, eff. January 1, 2026.

Text of section effective until January 01, 2026

Sec. 251.004.  DEPOSIT OF MAINTENANCE TAXES. (a) Except as provided by Subsection (b), maintenance taxes collected under this subtitle shall be deposited in the general revenue fund and reallocated to the Texas Department of Insurance operating account.

(b)  Each state fiscal year, the comptroller shall reallocate to the floodplain management account established under Section 16.453, Water Code, the first $3.05 million of the maintenance taxes collected under Chapter 252 and deposited in the general revenue fund.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1323 (S.B. [1436](http://capitol.texas.gov/tlodocs/80R/billtext/html/SB01436F.HTM)), Sec. 1, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 947 (S.B. [7](http://capitol.texas.gov/tlodocs/86R/billtext/html/SB00007F.HTM)), Sec. 3.02, eff. June 13, 2019.

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 8, eff. January 1, 2026.

Text of section effective on January 01, 2026

Sec. 251.004.  DEPOSIT OF MAINTENANCE TAXES AND SURCHARGES. (a)  Except as provided by Subsection (b), maintenance taxes collected under this subtitle and surcharges collected under Chapter 255 shall be deposited in the general revenue fund and reallocated to the Texas Department of Insurance operating account.

(b)  Each state fiscal year, the comptroller shall reallocate to the floodplain management account established under Section 16.453, Water Code, the first $3.05 million of the maintenance taxes collected under Chapter 252 and deposited in the general revenue fund.

Added by Acts 2003, 78th Leg., ch. 1274, Sec. 1, eff. April 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1323 (S.B. [1436](http://capitol.texas.gov/tlodocs/80R/billtext/html/SB01436F.HTM)), Sec. 1, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 947 (S.B. [7](http://capitol.texas.gov/tlodocs/86R/billtext/html/SB00007F.HTM)), Sec. 3.02, eff. June 13, 2019.

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 8, eff. January 1, 2026.

Acts 2025, 89th Leg., R.S., Ch. 358 (S.B. [1455](http://capitol.texas.gov/tlodocs/89R/billtext/html/SB01455F.HTM)), Sec. 9, eff. January 1, 2026.