HOUSE BILL 248

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Christine Chandler

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO INSURANCE; AMENDING THE NEW MEXICO INSURANCE CODE; INCREASING, ELIMINATING AND CREATING NEW INSURANCE FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 59A-6-1 NMSA 1978 (being Laws 1984, Chapter 127, Section 101, as amended) is amended to read:

"59A-6-1. FEE SCHEDULE.--The superintendent shall collect the following fees:

.219330.1SAAIC March 5, 2021 (10:26am)
A. insurer's certificate of authority -
   (1) filing application for certificate of
       authority, and issuance of certificate of authority, including
       filing of all charter documents, financial statements, service
       of process, power of attorney, examination reports and other
       documents included with and part of the application . $1,000.00

       (2) annual continuation of certificate of
           authority, per kind of insurance . . . . . . . . [200.00] 300.00

       (3) reinstatement of certificate of authority
           (Section 59A-5-23 NMSA 1978). . . . . . . . . [150.00] 500.00

       (4) amendment to certificate of
           authority . . . . . . . . . . . . . . . . . . . . . . . . . . . . 200.00

B. charter documents - filing amendment to any
   charter document (as defined in Section 59A-5-3
   NMSA 1978) . . . . . . . . . . . . . . . . . . . . . . . . . . . . [10.00] 75.00

C. annual statement of insurer, filing
   . . . . . . . . . . . . . . . . . . . . . . . . . . . . [200.00] 300.00

D. filing application for merger, acquisition or
   change of control . . . . . . . . . . . . . . . . . . . . . . . . . . . 1,000.00

E. filing application for redomestication . 500.00

F. filing application for nonprofit health care
   plan preliminary permit and issuance of permit . . . 1,000.00

G. filing managed health care plan annual
   compliance documentation (each) . . . . . . . . . . . . . . .
H. multiple employer welfare arrangement -

(1) filing application for registration ..............................................

HTRC^\textcolor{blue}{500.00}\htrc^\textcolor{red}{3,000.00}\htrc

(2) filing annual continuation of registration ......................................

HTRC^\textcolor{blue}{200.00}\htrc^\textcolor{red}{500.00}\htrc

[D.] I. service of process, acceptance by superintendent and issuance of certificate of service -

(1) electronic service . . . . . . . . . . . . . . . . 20.00

(2) alternative service . . . . . . . . . . . . . . . . . . 30.00

[E.] J. producer licenses and appointments -

(1) filing application for original producer license and issuance of license . . . . . . . . . . . [30.00]

HTRC^\textcolor{red}{30.00}\htrc^\textcolor{red}{50.00}\htrc

(2) biennial continuation of license . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . [60.00]

HTRC^\textcolor{red}{60.00}\htrc^\textcolor{red}{70.00}\htrc

(3) appointment of producer -

(a) filing appointment, per kind of insurance, each insure. . . . . . . . . . . . . . . . . . . [20.00]

HTRC^\textcolor{red}{20.00}\htrc^\textcolor{red}{30.00}\htrc

(b) annual continuation of appointment, per kind of insurance, each insurer . . . . . . . . [20.00]

HTRC^\textcolor{red}{20.00}\htrc^\textcolor{red}{30.00}\htrc
(4) temporary license filing
application ........................................... [30.00]

HTRC→$30.00$→HTRC HTRC→$100.00$→HTRC

[F→] K. agency business entity license and affiliations -
(1) filing application for original agency business entity license and issuance of license . [30.00] 40.00
(2) biennial continuation of license . . 60.00
(3) filing of individual affiliation . . . . .
.......................................................... [20.00]

HTRC→$20.00$→HTRC HTRC→$30.00$→HTRC

(4) annual continuation of individual affiliation . . . . . . . . . . . . . . . . . . . . . . . . [20.00]

HTRC→$20.00$→HTRC HTRC→$30.00$→HTRC

[G→] L. insurance vending machine license -
(1) filing application for original license and issuance of license, each machine . . . . . . . . . 25.00
(2) biennial continuation of license, each machine . . . . . . . . . . . . . . . . . . . . . . . . 50.00

[H→] M. examination for license, application for examination conducted directly by the superintendent, each grouping of kinds of insurance to be covered by the examination as provided by the superintendent's rules, and payable as to each instance of examination . . . . . . . . . . 75.00

[I→] N. surplus lines insurer - filing application
for qualification as eligible surplus lines insurer . 1,000.00

[J.] O. surplus lines broker license -
(1) filing application for original license
and issuance of license . . . . . . . . [150.00]
(2) biennial continuation of license . . . .
[200.00] 300.00

[K.] P. surplus lines brokerage business entity license and affiliations -
(1) filing application for original surplus lines brokerage business entity license and issuance of license . . . . . . . . [500.00]
(2) filing of individual affiliation . . . .
[30.00] 30.00
(3) annual continuation of individual affiliation . . . . . . . . [30.00]

[L.] Q. adjuster license -
(1) filing application for original license
and issuance of license . . . . . . . . . [40.00]
(2) biennial continuation of license
[60.00] 70.00

[M.] R. insurance consultant license -
(1) filing application for original license
and issuance of license . . . . . . . . . 50.00
(2) application examination . . . . . . 75.00
(3) biennial continuation of license . 100.00
[N.T] S. viatical settlements license -

(1) providers -
   (a) filing application for original license and issuance of license ............... $1,000.00
   (b) biennial continuation of license .................................................. $400.00

(2) brokers -
   (a) filing application for original license and issuance of license ........ $150.00
   (b) biennial continuation of license .................................................. $300.00

(3) brokerages -
   (a) filing application for original business entity license and issuance of license $200.00
   (b) biennial continuation of license ..................................................

HTRC
(c) filing of individual affiliation ...................................................... $30.00
   (d) annual continuation of individual affiliation ..................................... $30.00

[O.T] T. advisory organization license -

(1) filing application for license and issuance of license ....................... $1,000.00
(2) annual continuation of license ......................................................
P. nonprofit health care plans—

(1) filing application for preliminary permit and issuance of permit. .......... $100.00

(2) certificate of authority, application, issuance, continuation, reinstatement, charter documents—same as for insurers

(3) annual statement, filing. ........ $200.00

Q. prepaid dental plans—

(1) certificate of authority, application, issuance, continuation, reinstatement, charter documents—same as for insurers

(2) annual report, filing. ........... $200.00

R. prearranged funeral insurance - application for certificate of authority, issuance, continuation, reinstatement, charter documents, filing annual statement, licensing of sales representatives - same as for insurers

[S.] V. premium finance companies -

(1) filing application for original license and issuance of license .......... $500.00

(2) annual renewal of license .......... $300.00

[T.] W. motor clubs -

(1) certificate of authority -

(a) filing application for original certificate of authority and issuance of certificate of
authority ........................................ [200.00] 500.00

(b) annual continuation of certificate
of authority ...................................... [400.00] 300.00

(2) sales representatives -

(a) filing application for registration
or license and issuance of registration or license, each
representative .................................. 30.00

(b) biennial continuation of
registration or license, each representative ........ 60.00

[U.R.] X. bail bondsmen -

(1) filing application for original license as
bail bondsman or solicitor, and issuance of license ..........
.......................................................... [30.00] 50.00

(2) examination for license, each instance of
examination .......................................... 50.00

(3) biennial continuation of license .............
.......................................................... 60.00

[U.R.] Y. required filing of forms or rates - by all
lines of business other than property or casualty -

(1) rates ........................................... 50.00

(2) major form - each new policy and each
package submission, which can include multiple policy forms,
application forms, rider forms, endorsement forms or amendment
forms .................................................. 30.00

(3) incidental forms and rates - forms filed
for informational purposes; riders, applications, endorsements and amendments filed individually; rate service organization reference filings; rates filed for informational purposes ..................... [15.00] 20.00

[WZ] Z. health maintenance organizations -

(1) filing an application for a certificate of authority .................... [1,000.00] 2,000.00
(2) annual continuation of certificate of authority .................... [200.00] 500.00
(3) filing each annual report ........ 200.00
(4) filing an amendment to organizational documents requiring approval ................ 200.00
(5) filing informational amendments .. 50.00

[XAA] AA. purchasing groups and foreign risk retention groups -

(1) original registration ........ 500.00
(2) annual continuation of registration .................... [200.00] 300.00
(3) producer fees - same as for authorized insurers

[YBB] BB. third party administrators -

(1) filing application for original business entity insurance administrator license ........ [100.00] 300.00
(2) [biennial] HTRC→biennial←HTRC

HTRC→annual←HTRC continuation or renewal
of license ........................................ [200.00] 300.00
(3) examination for license, each examination ................................. 75.00
(4) filing of annual report. [50.00] 200.00

miscellaneous fees -
(1) duplicate license ................... 30.00
(2) name change ....................... 30.00
(3) for each signature and seal of superintendent affixed to any instrument .......................... 10.00

HTRC (4) certificate of deposit .............
. 20.00

(5) certificate of compliance ..............
. 20.00

(6) certified certificate of authority .......
. 20.00

(7) late fee for each form submitted after its due date (not applicable to continuation of license, appointment or affiliation of producers and brokers) .............. 350.00

AAC pharmacy benefits managers -
(1) filing an application for a license ........................................... 1,000.00
(2) annual continuation of license, each year continued .......................... 500.00
(3) filing each annual report ........... 200.00

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(4) filing an amendment to organizational documents requiring approval .................. 200.00

(5) filing informational amendments . 100.00

[BB-] EE. independent review organizations -

(1) filing an application for a license . . . . . . . . . . . . . . . . . . . . . . . . . . . .  [250.00] 300.00

(2) [biennial] HTRC→biennial→HTRC

HTRC→annual→HTRC continuation of license . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . ...
state or whenever a condition precedent to the right to issue policies in another state is imposed by the laws of that state over and above the conditions imposed upon insurers by the laws of New Mexico; in those cases, the same form or rate-filing fees may be imposed upon an insurer from another state transacting or applying to transact business in New Mexico so long as the higher fees remain in force in the other state. If an insurer does not comply with the additional retaliatory or reciprocal requirement charges imposed under this subsection, the superintendent may refuse to grant or may withdraw approval of the tendered form or rate filing.

All fees are earned when paid and are not refundable."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.