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SENATE BILL 362

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO INSURANCE; CHANGING FEES AND METHOD OF DETERMINING  
FEES FOR CERTAIN INSURANCE COMPANIES.

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 by Laws 1999, Chapter 272,  
Section 2 and also by Laws 1999, Chapter 289, Section 2) is  
amended to read:

"59A-6-1. FEE SCHEDULE. -- The superintendent shall collect  
and receipt for, and persons so served shall pay to the  
superintendent, fees, licenses and miscellaneous charges as  
follows:

A. insurer's certificate of authority -

(1) filing application for certificate of

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1 authority, and issuance of certificate of authority, if issued,  
2 including filing of all charter documents, financial  
3 statements, service of process, power of attorney, examination  
4 reports and other documents included with and part of the  
5 application . . . . . \$1,000.00

6 (2) annual continuation of certificate of  
7 authority, per kind of insurance, each year continued. . 200.00

8 (3) reinstatement of certificate of authority  
9 (Section 59A-5-23 NMSA 1978) . . . . . 150.00

10 (4) amendment to certificate of authority  
11 . . . . . 200.00

12 B. charter documents - filing amendment to any  
13 charter document (as defined in Section 59A-5-3 NMSA  
14 1978) . . . . . 10.00

15 C. annual statement of insurer, filing . . 200.00

16 D. service of process, acceptance by superintendent  
17 and issuance of certificate of service, where issued . 10.00

18 E. agents' licenses and appointments -  
19 (1) filing application for original agent  
20 license and issuance of license, if issued . . . . . 30.00

21 (2) appointment of agent -  
22 (a) filing appointment, per kind of  
23 insurance, each insurer . . . . . 20.00

24 (b) continuation of appointment, each  
25 insurer, each year continued . . . . . 20.00

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- (3) variable annuity agent's license -
  - (a) filing application for license and issuance of license, if issued . . . . . 30.00
  - (b) continuation of appointment each year . . . . . 20.00
- (4) temporary license as to life and health insurance or both . . . . . 30.00
  - (a) as to property insurance . . . 30.00
  - (b) as to casualty/surety insurance . . . . . 30.00
  - (c) as to vehicle insurance . . . 30.00
- F. solicitor license -
  - (1) filing application for original license and issuance of license, if issued . . . . . 30.00
  - (2) continuation of appointment, per kind of insurance, each year . . . . . 20.00
- G. broker license -
  - (1) filing application for license and issuance of original license, if issued . . . . . 30.00
  - (2) annual continuation of license . . . 30.00
- H. insurance vending machine license -
  - (1) filing application for original license and issuance of license, if issued, each machine . . . 25.00
  - (2) annual continuation of license, each machine . . . . . 25.00

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I. examination for license, application for  
examination conducted directly by superintendent, each grouping  
of kinds of insurance to be covered by the examination as  
provided by the superintendent's rules and regulations, and  
payable as to each instance of  
examination . . . . . 50.00

J. surplus line insurer - filing application for  
qualification as eligible surplus lines insurer . . . . . 1,000.00

[J.] K. surplus line broker license -

- (1) filing application for original license  
and issuance of license, if issued . . . . . 100.00
- (2) annual continuation of license . . . 100.00

[K.] L. adjuster license -

- (1) filing application for original license  
and issuance of license, if issued . . . . . 30.00
- (2) annual continuation of license . . . 30.00

[L.] M. rating organization or rating advisory  
organization license -

- (1) filing application for license and  
issuance of license, if issued . . . . . 100.00
- (2) annual continuation of license . . . 100.00

[M.] N. nonprofit health care plans -

- (1) filing application for preliminary permit  
and issuance of permit, if issued . . . . . 100.00
- (2) certificate of authority, application,

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1 issuance, continuation, reinstatement, charter documents - same  
2 as for insurers

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

4 (4) agents and solicitors -

5 (a) filing application for original  
6 license and issuance of license, if issued . . . . . 30.00

7 (b) examination for license conducted  
8 directly by superintendent, each instance of examination  
9 . . . . . 50.00

10 (c) annual continuation of appointment  
11 . . . . . 20.00

12 [N.] 0. prepaid dental plans -

13 (1) certificate of authority, application,  
14 issuance, continuation, reinstatement, charter documents - same  
15 as for insurers

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

17 (3) agents and solicitors -

18 (a) filing application for original  
19 license and issuance of license, if issued . . . . . 30.00

20 (b) examination for license conducted  
21 directly by superintendent, each instance of examination  
22 . . . . . 50.00

23 (c) continuation of license,  
24 each year . . . . . 20.00

25 [Ø.] P. prearranged funeral insurance - application

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for certificate of authority, issuance, continuation,  
reinstatement, charter documents, filing annual statement,  
licensing of sales representatives - same as for insurers

~~[P.]~~ Q. premium finance companies -

- (1) filing application for original license  
and issuance of license, if issued . . . . . 100.00
- (2) annual renewal of license . . . . . 100.00

~~[Q.]~~ R. motor clubs -

- (1) certificate of authority -
  - (a) filing application for original  
certificate of authority and issuance of certificate of  
authority, if issued . . . . . 200.00
  - (b) annual continuation of certificate  
of authority . . . . . 100.00
- (2) sales representatives -

- (a) filing application for registration  
or license and issuance of registration or license, if issued,  
each representative . . . . . 20.00
- (b) annual continuation of registration  
or license, each representative . . . . . 20.00

~~[R.]~~ S. bail bondsmen -

- (1) filing application for original license as  
bail bondsman or solicitor, and issuance of license, if  
issued . . . . . 30.00
- (2) examination for license conducted directly

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1 by superintendent, each instance of examination  
2 . . . . . 50.00  
3 (3) continuation of appointment, each year  
4 . . . . . 20.00  
5 [~~S.~~] T. securities salesperson license -  
6 (1) filing application for license and  
7 issuance of license, if issued . . . . . 25.00  
8 (2) renewal of license, each year . . . 25.00  
9 [~~F.~~] U. for each signature and seal of the  
10 superintendent affixed to any instrument . . . . . 10.00  
11 [~~U.~~] V. required filing of forms or rates - by all  
12 lines of business other than property or casualty  
13 (1) rates . . . . . 50.00  
14 (2) major form - each new policy and each  
15 package submission which can include multiple policy forms,  
16 application forms, rider forms, endorsement forms or amendment  
17 forms . . . . . 30.00  
18 (3) incidental forms and rates - forms filed  
19 for informational purposes; riders, applications, endorsements  
20 and amendments filed individually; rate service organization  
21 reference filings; rates filed for informational purposes  
22 . . . . . 15.00  
23 [~~V.~~] W. health maintenance organizations -  
24 (1) filing an application for a certificate of  
25 authority . . . . . 1,000.00

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- (2) annual continuation of certificate of authority, each year continued . . . . . 200.00
- (3) filing each annual report . . . . . 200.00
- (4) filing an amendment to organizational documents requiring approval . . . . . 200.00
- (5) filing informational amendments . . . . . 50.00
- (6) agents and solicitors -
  - (a) filing application for original license and issuance of license, if issued . . . . . 30.00
  - (b) examination for license, each instance of examination . . . . . 50.00
  - (c) annual continuation of appointment . . . . . 20.00
- [W-] X. purchasing groups and foreign risk retention groups -
  - (1) original registration . . . . . 500.00
  - (2) annual continuation of registration . . . . . 200.00
  - (3) agent or broker fees same as for authorized insurers.

Notwithstanding the fees required in this subsection, an insurer shall be subject to additional fees or charges, termed retaliatory or reciprocal requirements, or both, whenever any form or rate-filing fees in excess of those imposed by the laws of this state are charged to insurers in New Mexico doing



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1 business in another state or whenever any condition precedent  
2 to the right to issue policies in another state is imposed by  
3 the laws of that state over and above the conditions imposed  
4 upon insurers by the laws of New Mexico; in those cases, the  
5 same form or rate-filing fees shall be imposed upon every  
6 insurer from every other state transacting or applying to  
7 transact business in New Mexico so long as the higher fees  
8 remain in force in the other state. If an insurer fails to  
9 comply with the additional retaliatory or reciprocal  
10 requirement charges imposed under this subsection, the  
11 superintendent shall refuse to grant or shall withdraw approval  
12 of the tendered form or rate filing.

13 Except as to certain appointment fees as specified in  
14 Section 59A-11-8 NMSA 1978, all fees are deemed earned when  
15 paid and are not refundable. "

16 Section 2. A new Section 59A-6-1.2 NMSA 1978 is enacted  
17 to read:

18 "59A-6-1.2. [NEW MATERIAL] PROPERTY AND CASUALTY ANNUAL  
19 RATES AND FORMS FILING FEES. --The annual filing fee for rates  
20 and forms due in advance on July 1 for each company in the  
21 following groupings shall be equal to the product produced by  
22 multiplying three thousandths by the company's previous year's  
23 direct written premium as shown on its annual financial  
24 statement, but not to exceed an amount of one thousand five  
25 hundred dollars (\$1,500) and not to be less than an amount of  
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1 one hundred dollars (\$100):

2 A. private passenger automobile - liability and  
3 physical damage;

4 B. homeowner's and farm owners';

5 C. workers' compensation;

6 D. other casualty, including surety and fidelity;

7 and

8 E. other property. "

9 Section 3. EFFECTIVE DATE.--The effective date of the  
10 provisions of this act is July 1, 2001.

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