

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

SB 235/a

January 30, 2002

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom has been referred

SENATE BILL 235

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 10, between lines 3 and 4, insert the following new section:

"Section 2. Section 59A-11-8 NMSA 1978 (being Laws 1984, Chapter 127, Section 187) is amended to read:

"59A-11-8. 187. ISSUANCE, REFUSAL OF LICENSE [~~REFUNDABILITY OF FEES~~]. -- [A.] If the superintendent finds that the application is complete, that the applicant has passed all required examinations and is otherwise qualified for the license applied for, he shall promptly issue the license. Otherwise, the superintendent shall refuse to issue the license and promptly notify the applicant and the appointing insurer, employer, or principal where applicable, of such refusal and stating the grounds therefor.

~~[B. If the license is refused, the superintendent shall refund any applicable appointment fee tendered with the application for license. The fee for filing application for license or for examination shall be deemed earned when paid and shall not be refundable.]"~~

2. On page 10, between lines 22 and 23, insert the following new section:

"Section 4. Section 59A-12-26 NMSA 1978 (being Laws 1984, Chapter 127, Section 227, as amended by Laws 1999, Chapter 272, Section 16 and also by Laws 1999, Chapter 289, Section 17) is amended to read:

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

SCORC/SB 235

Page 2

"59A-12-26. CONTINUED EDUCATION. --

A. For protection of the public and to preserve and improve competence of licensees, the superintendent may in his sole discretion require as a condition to continuation of license as agent, solicitor or broker under this article that during the twelve months next preceding expiration of the current license period the licensee has attended the minimum number of hours of formal class instruction, lectures or seminars required and approved by the superintendent covering the kinds of insurance for which licensed.

B. Such instruction shall be designed to refresh the licensee's understanding of basic principles and coverages involved, recent and prospective changes therein, applicable laws and rules and regulations of the superintendent, proper conduct of the licensee's business and duties and responsibilities of the licensee.

C. The superintendent may permit licensees who because of remoteness of residence or business cannot with reasonable convenience attend such formal instruction sessions to take and successfully complete an equivalent course of study and instruction by mail.

D. The superintendent shall promulgate rules and regulations for effectuation of the purposes and requirements of this section and may impose a penalty not to exceed fifty dollars (\$50.00) for a licensee's failure to timely report continuing education credits.

E. For the purposes of this section, the superintendent shall charge, at the time of certifying each licensee's continuing education credits as a condition of continuation of license, a fee of [~~five dollars (\$5.00)~~] one dollar (\$1.00) per credit hour of continuing education; provided that the superintendent may contract with an established and experienced independent agency to

FORTY-FIFTH LEGISLATURE
SECOND SESSION, 2002

SCORC/SB 235

Page 3

receive and review continuing education compliance reports and, in such a case, the fee shall be a reasonable amount, fixed by the superintendent and payable to the contracting agency.

F. This section shall not apply to holders of limited license issued under Section 59A-12-18 NMSA 1978. "".

3. Renumber all sections accordingly.

4. On page 12, line 18, strike "the" and after "benefits" insert "of that type".,

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Aragon, Leavell, Robinson, Snyder

Absent: None