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SENATE BILL 268

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

MICHAEL S. SANCHEZ

FOR THE HEALTH CARE REFORM COMMITTEE

AN ACT

RELATING TO INSURANCE; INCREASING FEES FOR CERTIFICATES OF
AUTHORITY.

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
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
authority, and issuance of certificate of authority, if issued,
including filing of all charter documents, financial statements,
service of process, power of attorney, examination reports and

Underscored material = new
[bracketed material] = delete

1 other documents included with and part of the
2 application [~~\$1,000.00~~] \$2,500.00;

3 (2) annual continuation of certificate of
4 authority, per kind of insurance, each year continued
5 [~~200.00~~] 1,000.00;

6 (3) reinstatement of certificate of authority
7 (Section 59A-5-23 NMSA 1978) 150.00;

8 and

9 (4) amendment to certificate of authority
10 200.00;

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

14 C. annual statement of insurer, filing . . . 200.00;

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

17 E. agents' licenses and appointments:

18 (1) filing application for original resident
19 agent license and issuance of license, if issued 30.00;

20 (2) appointment of agent:
21 (a) filing appointment, per kind of
22 insurance, each insurer 20.00;

23 and

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

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1 (3) variable annuity agent's license:
2 (a) filing application for license and
3 issuance of license, if issued 25.00;

4 and

5 (b) continuation of appointment, each
6 year 25.00;

7 (4) nonresident agent license - same as for
8 resident agent; and

9 (5) temporary license as to life and health
10 insurance or both 30.00;

11 (a) as to property insurance
12 30.00;

13 (b) as to casualty/surety insurance
14 30.00;

15 and

16 (c) as to vehicle insurance
17 30.00;

18 F. solicitor license:

19 (1) filing application for original license and
20 issuance of license, if issued 30.00;

21 and

22 (2) continuation of appointment, per kind of
23 insurance, each year 20.00;

24 G. nonresident broker license:

25 (1) filing application for license and issuance

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1 of original license, if issued 30.00;

2 and

3 (2) annual continuation of license
4 30.00;

5 H. insurance vending machine license:

6 (1) filing application for original license and
7 issuance of license, if issued, each machine 25.00;

8 and

9 (2) annual continuation of license, each
10 machine 25.00;

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

16 J. surplus line broker license:

17 (1) filing application for original license and
18 issuance of license, if issued 100.00;

19 and

20 (2) annual continuation of license . . . 100.00;

21 K. adjuster license:

22 (1) filing application for original license and
23 issuance of license, if issued 30.00;

24 and

25 (2) annual continuation of license . . . 30.00;

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L. rating organization or rating advisory organization license:

(1) filing application for license and issuance of license, if issued 100.00;

and

(2) annual continuation of license 100.00;

M nonprofit health care plans:

(1) filing application for preliminary permit and issuance of permit, if issued 100.00;

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

(3) annual statement, filing 200.00;

and

(4) agents and solicitors:

(a) filing application for original license and issuance of license, if issued 30.00;

(b) examination for license conducted directly by superintendent, each instance of examination 50.00;

and

(c) annual continuation of appointment 20.00;

N. prepaid dental plans:

. 114290. 1

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1 (1) certificate of authority, application,
2 issuance, continuation, reinstatement, charter documents - same
3 as for insurers;

4 (2) annual report, filing 200.00;

5 (3) agents and solicitors:

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

8 (b) examination for license conducted
9 directly by superintendent, each instance of examination
10 50.00;

11 and

12 (c) continuation of license,
13 each year 30.00;

14 0. prearranged funeral insurance - application for
15 certificate of authority, issuance, continuation, reinstatement,
16 charter documents, filing annual statement, licensing of sales
17 representatives - same as for insurers;

18 P. premium finance companies:

19 (1) filing application for original license and
20 issuance of license, if issued 100.00;

21 and

22 (2) annual renewal of license
23 100.00;

24 Q. motor clubs:

25 (1) certificate of authority:

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1 (a) filing application for original
2 certificate of authority and issuance of certificate of
3 authority, if issued 200.00;

4 and

5 (b) annual continuation of certificate of
6 authority 100.00;

7 and

8 (2) sales representatives:

9 (a) filing application for registration
10 or license and issuance of registration or license, if issued,
11 each representative 20.00;

12 and

13 (b) annual continuation of registration
14 or license, each representative 20.00;

15 R. bail bondsmen:

16 (1) filing application for original license as
17 bail bondsman or solicitor, and issuance of license, if
18 issued 30.00;

19 (2) examination for license conducted directly
20 by superintendent, each instance of examination
21 50.00;

22 and

23 (3) continuation of appointment, each year
24 20.00;

25 S. securities salesperson license:

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1 (1) filing application for license and issuance
2 of license, if issued 25.00;

3 and

4 (2) renewal of license, each year . . . 25.00;

5 T. for each signature and seal of the superintendent
6 affixed to any instrument 10.00;

7 U. required filing of forms or rates:

8 (1) rates 50.00;

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

13 and

14 (3) incidental forms and rates - forms filed
15 for informational purposes; riders, applications, endorsements
16 and amendments filed individually; rate service organization
17 reference filings; rates filed for informational purposes
18 15.00;

19 V. health maintenance organizations:

20 (1) filing an application for a certificate of
21 authority [~~1,000.00~~] 2,500.00;

22 (2) annual continuation of certificate of
23 authority, each year continued [~~200.00~~] 1,000.00;

24 (3) filing each annual report 200.00;

25 (4) filing an amendment to organizational

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1 documents requiring approval 200.00;

2 (5) filing informational amendments . . . 50.00;

3 and

4 (6) agents and solicitors:

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

7 (b) examination for license, each
8 instance of examination 50.00;

9 and

10 (c) annual continuation of appointment
11 20.00;

12 and

13 W. purchasing groups and foreign risk retention
14 groups:

15 (1) original registration 500.00;

16 (2) annual continuation of registration
17 200.00;

18 and

19 (3) agent or broker fees-same as for authorized
20 insurers.

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

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1 doing business in another state or whenever any condition
2 precedent to the right to issue policies in another state is
3 imposed by the laws of that state over and above the conditions
4 imposed upon insurers by the laws of New Mexico; in those cases,
5 the 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 requirement
10 charges imposed under this ~~[subsection]~~ section, 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 paid
15 and are not refundable. "

16 - 10 -

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
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5 March 10, 1997
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7 Mr. President:
8

9 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
10 referred

11
12 SENATE BILL 268
13

14 has had it under consideration and reports same with
15 recommendation that it DO PASS, and thence referred to the
16 FINANCE COMMITTEE.

17
18 Respectfully submitted,
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22 _____
23 Shannon Robinson, Chairman
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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Garcia, Ingle, Smith

Absent: None

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1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
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5 March 15, 1997
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7 Mr. President:
8

9 Your FINANCE COMMITTEE, to whom has been referred
10

11 SENATE BILL 268
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS.
15

16 Respectfully submitted,
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18 _____
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21 Ben D. Altamirano, Chairman
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25 Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: None

Excused: Aragon, Ingle, McKibben, Smith

Absent: None

S0268FC1

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

SENATE BILL 268

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fred Luna, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBI C/SB 268

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

Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Lutz

Excused: Alwin, Gubbels, Hobbs, Olguin

Absent: Getty

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