RELATING TO INSURANCE; ALLOWING FOR PAYMENT OF INSURANCE
AGENT AND BROKER COMMISSIONS AND OTHER COMPENSATION TO
DECEASED AGENTS' AND BROKERS' ESTATES.

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

SECTION 1. Section 59A-12-24 NMSA 1978 (being Laws 1984, Chapter 127, Section 225, as amended by Laws 1999, Chapter 272, Section 14 and also by Laws 1999, Chapter 289, Section 15) is amended to read:

"59A-12-24. SHARING OF COMMISSIONS.--

- A. An agent or broker shall share a commission or compensation for or on account of the solicitation or negotiation in this state of insurance on individuals or property or risks in this state only with the agent's duly licensed solicitor, or duly licensed agent of the insurer with which the insurance was placed, or duly licensed broker.
- B. No such licensee shall share in commission or compensation as to a kind of insurance for which not licensed.
- C. Such sharing in commissions and compensation between the same such licensees shall be infrequently only, and shall not unduly obviate the general necessity of appointment of the agent by the insurer with which the insurance is placed.

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D. Nothing in the Insurance Code shall be deemed
to prohibit payment, to or for the account of a former owner
of an insurance agency or brokerage, of commissions or part
thereof currently accruing on business of the agency or
brokerage, as part of the purchase price of the agency or
brokerage, whether or not such former owner is currently
licensed as agent, solicitor or broker.

E. Nothing in the Insurance Code shall be deemed		
to prohibit the payment of a commission, compensation or other		
valuable consideration to the personal representative of the		
estate, their trust or beneficiary, of a deceased agent or		
broker or the heirs or devisees if the estate has been		
distributed, if that agent or broker would otherwise be		
entitled to that payment."	HB 80 Page 2	
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