

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)

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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) . . . . .

HTRC → 15.00 ← HTRC HTRC → 20.00 ← HTRC

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H. multiple employer welfare arrangement -

(1) filing application for

registration . . . . .

HTRC→~~500.00~~←HTRC HTRC→3,000.00←HTRC

(2) filing annual continuation of

registration . . . . .

HTRC→~~200.00~~←HTRC HTRC→500.00←HTRC

[D-] I. service of process, acceptance by  
superintendent and issuance of certificate of service -[10.00]

(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→30.00←HTRC HTRC→~~50.00~~←HTRC

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

HTRC→60.00←HTRC HTRC→~~70.00~~←HTRC

(3) appointment of producer -

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

HTRC→20.00←HTRC HTRC→~~30.00~~←HTRC

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

HTRC→20.00←HTRC HTRC→~~30.00~~←HTRC

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(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

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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 . . . . . [~~100.00~~] 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 . . . . . [~~100.00~~] 500.00

(2) filing of individual affiliation . . . . .  
. . . . . [~~20.00~~] 30.00

(3) annual continuation of individual  
affiliation . . . . . [~~20.00~~] 30.00

~~[L-]~~ Q. adjuster license -

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

.219330.1SAAIC March 5, 2021 (10:26am)

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[N-] 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 . . . . . [~~100.00~~] 150.00

(b) biennial continuation of  
license . . . . . [~~200.00~~] 300.00

(3) brokerages -

(a) filing application for original  
business entity license and issuance of license [~~100.00~~] 200.00

(b) biennial continuation of  
license . . . . .

HTRC→~~200.00~~←HTRC HTRC→300.00←HTRC

(c) filing of individual  
affiliation . . . . . [~~20.00~~] 30.00

(d) annual continuation of individual  
affiliation . . . . . [~~20.00~~] 30.00

[0-] T. advisory organization license -

(1) filing application for license and  
issuance of license . . . . . [~~100.00~~] 1,000.00

(2) annual continuation of license . . . . .

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. . . . . [100.00] 500.00

~~[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.] U. 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 . . . . . [100.00] 500.00~~

~~(2) annual renewal of license [100.00] 300.00~~

~~[T.] W. motor clubs -~~

~~(1) certificate of authority -  
(a) filing application for original certificate of authority and issuance of certificate of~~

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authority . . . . . [200.00] 500.00

    (b) annual continuation of certificate  
of authority . . . . . [100.00] 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~~] 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

    [~~V~~] 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

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for informational purposes; riders, applications, endorsements  
and amendments filed individually; rate service organization  
reference filings; rates filed for informational  
purposes . . . . . [~~15.00~~] 20.00

[~~W.~~] 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

[~~X.~~] 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

[~~Y.~~] 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

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of license . . . . . [200.00] 300.00  
    (3) examination for license, each  
examination . . . . . 75.00  
    (4) filing of annual report . [50.00] 200.00  
[Z.] CC. 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←HTRC  
[AA.] DD. 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 . . . . . [100.00] 200.00

[GG-] FF. continuing education providers -

(1) filing an application for a course of instruction . . . . . 80.00

(2) [biennial] HTRC→biennial←HTRC HTRC→annual←HTRC continuation of course of instruction . . . . . [40.00] HTRC→50.00←HTRC HTRC→60.00←HTRC

HTRC→GG. service contract providers -

(1) filing application for registration . . . . . 1,000.00

(2) annual renewal of registration . . . . . 500.00←HTRC

An insurer shall be subject to additional fees or charges, termed retaliatory or reciprocal requirements, whenever form or rate-filing fees in excess of those imposed by state law are charged to insurers in New Mexico doing business in another

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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.

- 12 -