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HOUSE BILL 248

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
Christine Chandler

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:

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

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1 authority, per kind of insurance [~~200.00~~] 300.00
2 (3) reinstatement of certificate of authority
3 (Section 59A-5-23 NMSA 1978). [~~150.00~~] 500.00
4 (4) amendment to certificate of
5 authority 200.00
6 B. charter documents - filing amendment to any
7 charter document (as defined in Section 59A-5-3
8 NMSA 1978) [~~10.00~~] 75.00
9 C. annual statement of insurer, filing
10 [~~200.00~~] 300.00
11 D. filing application for merger, acquisition or
12 change of control 1,000.00
13 E. filing application for redomestication . 500.00
14 F. filing application for nonprofit health care
15 plan preliminary permit and issuance of permit 1,000.00
16 G. filing managed health care plan annual
17 compliance documentation (each) 15.00
18 H. multiple employer welfare arrangement -
19 (1) filing application for
20 registration 500.00
21 (2) filing annual continuation of
22 registration 200.00
23 [~~D.~~] I. service of process, acceptance by
24 superintendent and issuance of certificate of service - [~~10.00~~]
25 (1) electronic service 20.00

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- 1 (2) alternative service 30.00
- 2 [~~E-~~] J. producer licenses and appointments -
- 3 (1) filing application for original producer
- 4 license and issuance of license [~~30.00~~] 50.00
- 5 (2) biennial continuation of license
- 6 [~~60.00~~] 70.00
- 7 (3) appointment of producer -
- 8 (a) filing appointment, per kind of
- 9 insurance, each insurer [~~20.00~~] 30.00
- 10 (b) annual continuation of appointment,
- 11 per kind of insurance, each insurer [~~20.00~~] 30.00
- 12 (4) temporary license filing
- 13 application [~~30.00~~] 100.00
- 14 [~~F-~~] K. agency business entity license and
- 15 affiliations -
- 16 (1) filing application for original agency
- 17 business entity license and issuance of license . [~~30.00~~] 40.00
- 18 (2) biennial continuation of license . . 60.00
- 19 (3) filing of individual affiliation
- 20 [~~20.00~~] 30.00
- 21 (4) annual continuation of individual
- 22 affiliation [~~20.00~~] 30.00
- 23 [~~G-~~] L. insurance vending machine license -
- 24 (1) filing application for original license
- 25 and issuance of license, each machine 25.00

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1 (2) biennial continuation of license, each
2 machine 50.00

3 [~~H.~~] M. examination for license, application for
4 examination conducted directly by the superintendent, each
5 grouping of kinds of insurance to be covered by the examination
6 as provided by the superintendent's rules, and payable as to
7 each instance of examination 75.00

8 [~~F.~~] N. surplus lines insurer - filing application
9 for qualification as eligible surplus lines insurer . 1,000.00

10 [~~J.~~] O. surplus lines broker license -
11 (1) filing application for original license
12 and issuance of license [~~100.00~~] 150.00

13 (2) biennial continuation of license
14 [~~200.00~~] 300.00

15 [~~K.~~] P. surplus lines brokerage business entity
16 license and affiliations -

17 (1) filing application for original surplus
18 lines brokerage business entity license and issuance of
19 license [~~100.00~~] 500.00

20 (2) filing of individual affiliation
21 [~~20.00~~] 30.00

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

24 [~~L.~~] Q. adjuster license -
25 (1) filing application for original license

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1 and issuance of license [~~30.00~~] 40.00
2 (2) biennial continuation of
3 license [~~60.00~~] 70.00
4 [~~M.~~] R. insurance consultant license -
5 (1) filing application for original license
6 and issuance of license 50.00
7 (2) application examination 75.00
8 (3) biennial continuation of license . 100.00
9 [~~N.~~] S. viatical settlements license -
10 (1) providers -
11 (a) filing application for original
12 license and issuance of license 1,000.00
13 (b) biennial continuation of
14 license 400.00
15 (2) brokers -
16 (a) filing application for original
17 license and issuance of license [~~100.00~~] 150.00
18 (b) biennial continuation of
19 license [~~200.00~~] 300.00
20 (3) brokerages -
21 (a) filing application for original
22 business entity license and issuance of license [~~100.00~~] 200.00
23 (b) biennial continuation of
24 license 200.00
25 (c) filing of individual

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1 affiliation [20.00] 30.00
2 (d) annual continuation of individual
3 affiliation [20.00] 30.00
4 [~~Θ.~~] T. advisory organization license -
5 (1) filing application for license and
6 issuance of license [100.00] 1,000.00
7 (2) annual continuation of license
8 [100.00] 500.00
9 [~~P. nonprofit health care plans -~~
10 (~~1) filing application for preliminary permit~~
11 ~~and issuance of permit. -100.00~~
12 (~~2) certificate of authority, application,~~
13 ~~issuance, continuation, reinstatement, charter documents - same~~
14 ~~as for insurers~~
15 (~~3) annual statement, filing. -200.00~~
16 ~~Q. prepaid dental plans -~~
17 (~~1) certificate of authority, application,~~
18 ~~issuance, continuation, reinstatement, charter documents - same~~
19 ~~as for insurers~~
20 (~~2) annual report, filing. -200.00~~
21 ~~R.] U. prearranged funeral insurance - application~~
22 ~~for certificate of authority, issuance, continuation,~~
23 ~~reinstatement, charter documents, filing annual statement,~~
24 ~~licensing of sales representatives - same as for insurers~~
25 [~~S.] V. premium finance companies -~~

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- 1 (1) filing application for original license
- 2 and issuance of license [~~100.00~~] 500.00
- 3 (2) annual renewal of license [~~100.00~~] 300.00
- 4 ~~[F.]~~ W. motor clubs -
- 5 (1) certificate of authority -
- 6 (a) filing application for original
- 7 certificate of authority and issuance of certificate of
- 8 authority [~~200.00~~] 500.00
- 9 (b) annual continuation of certificate
- 10 of authority [~~100.00~~] 300.00
- 11 (2) sales representatives -
- 12 (a) filing application for registration
- 13 or license and issuance of registration or license, each
- 14 representative 30.00
- 15 (b) biennial continuation of
- 16 registration or license, each representative 60.00
- 17 ~~[U.]~~ X. bail bondsmen -
- 18 (1) filing application for original license as
- 19 bail bondsman or solicitor, and issuance of license
- 20 [~~30.00~~] 50.00
- 21 (2) examination for license, each instance of
- 22 examination 50.00
- 23 (3) biennial continuation of license
- 24 60.00
- 25 ~~[V.]~~ Y. required filing of forms or rates - by all

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1 lines of business other than property or casualty -
2 (1) rates 50.00
3 (2) major form - each new policy and each
4 package submission, which can include multiple policy forms,
5 application forms, rider forms, endorsement forms or amendment
6 forms 30.00
7 (3) incidental forms and rates - forms filed
8 for informational purposes; riders, applications, endorsements
9 and amendments filed individually; rate service organization
10 reference filings; rates filed for informational
11 purposes [~~15.00~~] 20.00
12 [~~W.~~] Z. health maintenance organizations -
13 (1) filing an application for a certificate of
14 authority [~~1,000.00~~] 2,000.00
15 (2) annual continuation of certificate of
16 authority [~~200.00~~] 500.00
17 (3) filing each annual report 200.00
18 (4) filing an amendment to organizational
19 documents requiring approval 200.00
20 (5) filing informational amendments . . . 50.00
21 [~~X.~~] AA. purchasing groups and foreign risk
22 retention groups -
23 (1) original registration 500.00
24 (2) annual continuation of
25 registration [~~200.00~~] 300.00

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- 1 (3) producer fees - same as for authorized
- 2 insurers
- 3 [~~Y-~~] BB. third party administrators -
- 4 (1) filing application for original business
- 5 entity insurance administrator license [~~100.00~~] 300.00
- 6 (2) [~~biennial~~] annual continuation or renewal
- 7 of license [~~200.00~~] 300.00
- 8 (3) examination for license, each
- 9 examination 75.00
- 10 (4) filing of annual report . [~~50.00~~] 200.00
- 11 [~~Z-~~] CC. miscellaneous fees -
- 12 (1) duplicate license 30.00
- 13 (2) name change 30.00
- 14 (3) for each signature and seal of
- 15 superintendent affixed to any instrument 10.00
- 16 [~~AA-~~] DD. pharmacy benefits managers -
- 17 (1) filing an application for a license
- 18 1,000.00
- 19 (2) annual continuation of license, each year
- 20 continued 500.00
- 21 (3) filing each annual report 200.00
- 22 (4) filing an amendment to organizational
- 23 documents requiring approval 200.00
- 24 (5) filing informational amendments . 100.00
- 25 [~~BB-~~] EE. independent review organizations -

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1 (1) filing an application for a
2 license [250.00] 300.00

3 (2) ~~[biennial]~~ annual continuation of
4 license [100.00] 200.00

5 ~~[GG.]~~ FF. continuing education providers -

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

8 (2) ~~[biennial]~~ annual continuation of course
9 of instruction [40.00] 50.00

10 An insurer shall be subject to additional fees or charges,
11 termed retaliatory or reciprocal requirements, whenever form or
12 rate-filing fees in excess of those imposed by state law are
13 charged to insurers in New Mexico doing business in another
14 state or whenever a condition precedent to the right to issue
15 policies in another state is imposed by the laws of that state
16 over and above the conditions imposed upon insurers by the laws
17 of New Mexico; in those cases, the same form or rate-filing
18 fees may be imposed upon an insurer from another state
19 transacting or applying to transact business in New Mexico so
20 long as the higher fees remain in force in the other state. If
21 an insurer does not comply with the additional retaliatory or
22 reciprocal requirement charges imposed under this subsection,
23 the superintendent may refuse to grant or may withdraw approval
24 of the tendered form or rate filing.

25 All fees are earned when paid and are not refundable."

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SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.

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