



SUPERINTENDENT OF INSURANCE  
John G. Franchini 505-827-4299

NEW MEXICO OFFICE OF  
SUPERINTENDENT  
OF INSURANCE

DEPUTY SUPERINTENDENT  
Robert Doucette 505-827-5832

### Annual Third Party Administrator Exemption Filing Form

The following information shall be completed every year (April 30), by an officer and provided at the time the exemption is claimed pursuant to NMSA 1978, Section 59A-12A-2(C).

**FEIN:** \_\_\_\_\_ **Administrator Name:** \_\_\_\_\_

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**City**

**State**

**Zip**

**Contact Name:** \_\_\_\_\_

**Contact Email Address:** \_\_\_\_\_

**Telephone Number:** (\_\_\_\_) \_\_\_\_\_ **Fax Number:** (\_\_\_\_) \_\_\_\_\_

**Chapter 59A, Article 12A NMSA 1978** shall apply to all administrators who provide administrative services in connection with insurance or alternatives to insurance or who, in a fiduciary capacity or otherwise, manage or handle funds, money, premiums, fees or other forms of consideration in connection with insurance or alternatives to insurance. That article shall also apply to the claims practices of insurers or alternatives to insurance, whether or not they are administered by a third party.

**Main Phone: 505-827-4601**  
**Main Fax: 505-827-4734**  
**Toll Free: 1-855-4-ASK-OSI**

**Mailing Address:**  
**P.O. Box 1689**  
**Santa Fe, NM 87504-1689**

**Physical Address:**  
**1120 Paseo de Peralta**  
**Santa Fe, NM 87501**

**As used in Chapter NMSA 1978, Section 59A-12A-2(C):**

**C. “administrator” does not include:**

- (1) an employer on behalf of its employees or the employees of one or more subsidiaries or affiliated corporations of that employer as long as only the functions of a group policyholder are performed;
- (2) a union on behalf of its members as long as only the functions of a group policyholder are performed;
- (3) an insurance company or a corporation which owns more than fifty percent of an insurance company licensed in this state or a health maintenance organization, nonprofit health care plan or a dental plan that is licensed in this state;
- (4) an agent licensed in this state acting on behalf of an admitted insurance carrier by whom he is appointed and only within the scope of his license as an agent as defined in the article of the Insurance Code under which he licensed;
- (5) a creditor on behalf of its debtors with respect to insurance covering its debtors as long as only the functions of a group policyholder or creditor are performed;
- (6) a trust and its trustees, agents and employees acting under the trust, established in conformity with [29 U.S.C. Sec. 186](#);
- (7) a trust exempt from taxations under [Section 501\(a\) of the Internal Revenue Code of 1986](#), and its trustees and employees acting under the trust, or a custodian and its agents and employees acting pursuant to a custodian account that meets the requirements of [Section 401\(f\) of the Internal Revenue Code](#) of 1986;
- (8) a bank that is subject to supervision or examination by federal or state regulatory authorities as long as the bank is only performing the function for which it is licensed;
- (9) a company that advances and collects any premium or charge from its credit card holders who have authorized it to do so, provided the company does not adjust or settle claims and acts only in its debtor-creditor relationship with its credit card holders;
- (10) a person who adjusts or settles claims in the normal course of his practice or employment as an attorney at law who does not collect any charge or premium in connection with life or health coverage or annuities;

- (11) an adjuster licensed by the superintendent, when engaged in the performance of his duties as an adjuster;
- (12) any joint fund, risk management pool or self-insurance pool composed of political subdivisions of this state that participate in such funds or pools through interlocal agreements, and any administrative agency established under the interlocal agreement to administer the fund or pool;
- (13) any person providing technical, advisory or consulting services who does not make any management or discretionary decisions on behalf of an insurance carrier, plan or person that self-insures;
- (14) any full-time salaried employee of an insurance carrier to the extent that the functions performed are only for that insurance carrier or any affiliated carrier;
- (15) attorneys in fact for a Lloyd's or reciprocal exchange as authorized respectively in Chapter 38 or 39 NMSA 1978, while acting as attorney in fact for such Lloyd's or reciprocal exchange;
- (16) a certified public accountant, attorney at law or actuary when performing duties or undertaking responsibilities within the authority and scope of that particular profession;
- (17) an association and any subsidiary, affiliated or related corporations of that association. For the purposes of this subsection, "association" means a bona fide trade or professional association which has been in existence for not less than five years and which enters into agreements to pool its liabilities for workers compensation benefits, pursuant to the Group Self-Insurance Act; or
- (18) a home owner warranty corporation provided by a trade association that has been in business in New Mexico for at least five years.

Reason for Exemption:

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See also, New Mexico Administrative Code, Title 13, Chapter 4, Part 5, Insurance Administrators

13.14.5.11 EXCEPTIONS TO LICENSURE REQUIREMENTS:

A. An administrator is not required to hold a certificate of authority as an administrator in this state if all of the following conditions are met:

- (1) the administrator has its principal place of business in another state;
- (2) the administrator is not soliciting business as an administrator in this state; and
- (3) in the case of any group policy or plan of insurance serviced by the administrator, the lesser of five percent (5%) or one hundred (100) certificate holders reside in this state.

B. A person is not required to hold a certificate of authority as an administrator in this state if the person exclusively provides services to one or more bona fide employee benefit plans each of which is established by an employer or an employee organization, or both, and for which the insurance laws of this state are fully preempted pursuant to ERISA. Such persons shall register with the superintendent annually, verifying their status as herein described.

(2/1/92; recompiled 11/30/01)

**Attestation**

I do solemnly swear or affirm that I am familiar with the Laws of New Mexico relating to Administrators; that all the foregoing information and documentary evidence submitted is true, complete and correct to the best of my knowledge and belief.

Administrator Name: \_\_\_\_\_ Sworn to and Subscribed before Me

Signature: \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Print Name: \_\_\_\_\_  
Notary Public

Date: \_\_\_\_\_ (SEAL)