

STATE OF NEW MEXICO
OFFICE OF SUPERINTENDENT OF INSURANCE

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NM OFFICE OF
SUPERINTENDENT
OF INSURANCE

BULLETIN 2018-017

November 29, 2018

TO: EVERY INSURER, NONPROFIT HEALTH CARE PLAN, HEALTH MAINTENANCE ORGANIZATION, PREPAID DENTAL PLAN OR PREARRANGED FUNERAL PLAN TRANSACTING BUSINESS IN NEW MEXICO

RE: PROCEDURES FOR FILING AND PENALTY NOTICE AND DEMAND FOR FAILURE TO REPORT OR PAY PREMIUM TAXES AND FEES AS REQUIRED BY NMSA 1978, § 59A-6-4

NMSA 1978, § 59A-6-2 imposes deadlines for filing premium tax reports and making the associated tax payments. In Bulletin 2015-002, the Superintendent of Insurance (“SOI”) documented the process used by the Office of Superintendent of Insurance (“OSI”) to impose penalties for a violation of NMSA 1978, § 59A-6-2. After that Bulletin was published, OSI migrated to electronic systems for filing the required reports, and for making the required payments. This bulletin explains the new procedures and rescinds Bulletin 2015-002.

All Premium tax reports and payments must be submitted electronically through the Tritech website, forms and instructions are available online at:

<http://tritechsoft.com/efilenetnm/efilenet/efiledefault.aspx>

Under NMSA 1978, § 59A-6-2, quarterly premium tax reports and any associated estimated premium tax payments are due on April 15, July 15, October 15 and January 15 of the following year. Also due on April 15 is the annual return. OSI must receive the report, and any required payment, by the respective due date. If the due date for a report or payment falls on a weekend or legal holiday, or if the Tritech portal is inaccessible on a due date, the report or payment is due on the following business day.

If a required report or payment is not made by the due date, the filer is subject to a penalty under [NMSA 1978, § 59A-6-4](#). A report will be considered late if it is:

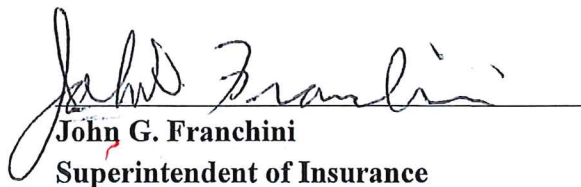
- i) not filed by the due date;
- ii) inaccurate when originally filed, if the inaccuracy, once corrected, results in an underpayment; or
- iii) incomplete pursuant to instructions on the OSI website

Under [Section 59A-6-4 NMSA 1978](#), an entity that fails to file or pay on time is subject to a penalty of \$1,000 for each month or part thereof it has failed to file or pay, after demand therefor. OSI shall issue a demand notice to the Premium Tax Contact on file with OSI as shown in the Company Profile in the State Based System (SBS). OSI will impose penalties prospectively from the date of demand, at the statutory rate of \$1,000 per-month, or part thereof, and will be assessed in an order issued by the SOI and filed in a public docket.

In summary, liability for penalties is triggered by untimely filing or insufficient payment. Penalties will accrue following demand and will continue to accrue until satisfaction of the deficiency identified in the demand notice.

Please direct any question regarding this Bulletin to Kacy Dunn, Financial Audit Bureau Staff Manager, at 505-476-0191 or kacy.dunn@state.nm.us.

DONE and ORDERED this 29th day of November 2018.


John G. Franchini
Superintendent of Insurance