

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“Superintendent”), and the New Mexico Office of Superintendent of Insurance (“OSI”), pursuant to the New Mexico Insurance Code, Section 59A-1-1 *et seq.* NMSA 1978 (“Insurance Code”), proposes a new rule pertaining to continuing education requirements for persons licensed by OSI, to be codified in the New Mexico Administrative Code, 13.4.7 NMAC - Licensing of Insurance Professionals – Continuing Education Requirements.

The purpose of this proposed rule is to repeal and replace the continuing education requirements for adjusters, resident insurance producers, limited surety agents, bail bond solicitors and property bondsmen who are licensed by the Superintendent to transact insurance business, bail bonds business or to act as adjusters in this state and to specify requirements for persons wishing to be qualified as continuing education providers. Nonresident insurance producers whose home state requires continuing education and who are compliant with the home state requirements are exempt from the requirements.

As a result of statutory changes which became effective on July 1, 2017, continuing education requirements now adopt a biennial schedule that is consistent with the new biennial license renewal schedule. OSI has also moved to an electronic registration and credit tracking system which is explained in the rule. The proposed rule is intended to provide guidance for persons currently licensed or wishing to become licensed by OSI, and for persons seeking to provide continuing education courses.

Statutory authority for promulgation of this rule is found at Sections 59A-2-9, 59A-6-1, 59A-11-10, 59A-11-23, 59A-12-16, 59A-12-26, 59A-13-12, 59A-44-33, and 59A-51-4.1 NMSA 1978.

The proposed rule may be found on the OSI website at <http://www.osi.state.nm.us/>, under the “Rulemaking” tab and is incorporated by reference into this NOPR. A copy of the full text of the proposed rule is available by electronic download from the OSI website or the New Mexico Sunshine portal, or by requesting a copy in person at the NM Office of Superintendent of Insurance, 1120 Paseo de Peralta, Santa Fe, NM 87501.

OSI staff, all insurers, licensees, insurance business entities, other persons transacting insurance business in New Mexico, and the members of the public are encouraged to provide comments or file any written proposals or comments according to the criteria and schedule set forth as follows: (a) oral comments will be accepted at the public hearing from any interested parties; (b) written statements, proposals or comments may be submitted for the record, in lieu of providing oral testimony at the hearing are due no later than 4:00 p.m. on **Friday November 17, 2017**.

Written comments, proposals, or responsive comments may be submitted via email to mariano.romero@state.nm.us or may be filed by sending original copies to:

OSI Records & Docketing

NM Office of Superintendent of Insurance

Attention: Mariano Romero, Room 331

1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689

Only signed statements, proposals or comments will be accepted. Scanned or facsimile signatures or electronic signatures conforming to federal and state court requirements will be accepted with the understanding that if there is any dispute regarding a signature, OSI reserves the right to require that original signatures be provided to verify the electronic or facsimile signature. All filings must be received between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday except on state holidays. Any filings after 4:30 will be filed to the docket the next business day.

The Superintendent will hold a public comment hearing beginning at **10:00 a.m. on Thursday, November 16, 2017**, at the Office of Superintendent of Insurance, Fourth Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fe, New Mexico. Deputy Superintendent Robert Doucette will be the designated hearing examiner in this case. The Superintendent will consider all oral comments, and will review all timely submitted written comments and responses. The record shall be closed at **4:00 p.m. on Friday, November 17, 2017**.

Any person with a disability requiring special assistance in order to participate in a hearing should contact Melissa Martinez, at 505-476-0333 at least 48 hours prior to the commencement of the hearing.

DONE AND ORDERED this 17th day of October, 2017.

S/JOHN G. FRANCHINI