



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

**ADVISORY LETTER 2020-04
(REVISED & REISSUED)**

**TO: ALL PRODUCERS LICENSED FOR THE LINE OF TITLE AND ALL
TITLE INSURERS**

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

**RE: ACT 310 OF THE 2020 REGULAR SESSION OF THE LOUISIANA
LEGISLATURE**

DATE: DECEMBER 9, 2020

Advisory Letter No. 2020-04, originally issued on October 22, 2020, is hereby revised and re-issued in order to clarify prior guidance regarding implementation of Act No. 310 of the 2020 Regular Session of the Louisiana Legislature ("Act 310") relative to the qualifications for a producer license for the line of title insurance which will become effective January 1, 2021. Act 310 amends and reenacts the following statutory provisions in the Louisiana Insurance Code (Title 22): La. R.S. 22:512; 22:513; 22:519; 22:1545; and 22:1571. Act 310 sets forth certain requirements for obtaining and maintaining a producer license for the line of title for both individual and agency producers.

As used herein, the term "agency producer" shall be synonymous with the term "producer agency" as set forth in La. R.S. 22:1546(B), which is a business entity acting as an insurance producer. Additionally, the term "full-time employee" means an individual who has established an employment relationship by having full-time and exclusive availability as a W-2 employee or as a 1099 independent contractor with a licensed resident agency producer.

An individual who is a resident of Louisiana and has been licensed by the LDI is not required to provide any additional information to the LDI. A business entity that has been licensed by the LDI as a resident agency producer with a primary place of business in Louisiana is required to submit the attached form, entitled "Affidavit of Resident Title Agency Producer," signed by an officer or member of the agency producer certifying that neither the agency producer itself nor the agency's designated responsible producer(s) has ever had a producer license suspended, revoked or refused in any state.

To maintain an existing license after January 1, 2021, an individual who is a non-resident licensee must be a full-time employee of an agency producer whose principal place of business is in Louisiana (a resident agency producer) and must be affiliated with that producer agency pursuant to La. R.S. 22:1546(B) no later than December 31, 2020. The individual non-resident licensee and a representative of the agency producer employer must complete the attached form, entitled "Affidavit of Non-Resident Title Producer," and return it to the LDI. The agency producer employer must submit the affiliation electronically using the Affiliations module of the LDI Industry Access System no later than December 31, 2020.

To maintain an existing license after January 1, 2021, an agency producer who is a non-resident of Louisiana and who has been licensed by the LDI must meet two new criteria as per La. R.S. 22:512 and La. R.S. 22:513, as amended and reenacted by Act 310. The licensed non-resident agency producer must have a place of business within Louisiana which is suitable for conducting the business of title insurance and real estate closings. The licensed non-resident agency producer must also appoint as a designated responsible producer an individual who is both a resident of Louisiana and is licensed for the line of title. An officer or member of the agency producer must, no later than December 31, 2020, complete and submit the attached form, entitled "Affidavit of Non-Resident Title Agency Producer," certifying that the Louisiana location meets these requirements and that neither the agency producer nor the designated responsible producer has ever had a producer license suspended, revoked or refused in any state. In addition, the agency producer must submit the affiliation of the resident designated responsible producer electronically using the Affiliations module of the LDI Industry Access System no later than December 31, 2020.

Effective January 1, 2021, the Louisiana producer license of every non-resident producer, whether individual or agency, who has failed to comply with the guidance and instructions set forth in this Advisory Letter will be cancelled. This cancellation will not be considered an administrative action and therefore will not be reported to the National Association of Insurance Commissioners or the National Insurance Producer Registry.

Effective January 1, 2021, the Commissioner shall issue a temporary insurance producer license for the line of title to any non-resident producer, whether individual or agency, who, on December 31, 2020, held an active producer license for the line title and who has not yet filed the affidavits set forth in this Advisory Letter. Every temporary producer license issued in accordance with this Advisory Letter shall expire at midnight on June 30, 2021. Any licensee with a temporary license issued in accordance with this Advisory Letter may make application for re-issuance of a permanent license after January 1, 2021 by submitting the required application and fee and showing compliance with all applicable statutes and regulations.

Every individual title producer and title agency producer agency should use the electronic address of producerlicensing@ldi.la.gov for the submission of all affidavits required pursuant to Act 310 and this Advisory Letter.

If there are any questions regarding this Advisory Letter, please contact the Deputy Commissioner for the Office of Licensing, electronically at public@ldi.la.gov.

Baton Rouge, Louisiana, this 9th day of December, 2020.



JAMES J. DONELON
COMMISSIONER OF INSURANCE



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

AFFIDAVIT OF RESIDENT TITLE AGENCY PRODUCER

BEFORE ME, the undersigned authority, personally came and appeared _____
(name of designated responsible producer of agency producer), as the designated responsible producer of
_____(name of agency producer), an insurance producer licensed
for the line of title in Louisiana with the Louisiana license number _____, who, after
being by me duly sworn and under penalty of perjury did depose and say:

- 1) The agency producer has a principal place of business in Louisiana located at

(physical address of principal place of business in Louisiana.)

- 2) Neither the agency producer, nor any designated responsible producer of the agency producer has ever had an insurance producer license suspended, revoked or denied by any jurisdiction.

Signature of Witness

Signature of Designated Responsible Producer

Printed Name of Witness

Printed Name of Individual Producer

Signature of Witness

Printed Name of Witness

SWORN TO and subscribed before me this _____ day of _____, 20_____.

Bar Roll or Notary Number of Notary Public

Signature of Notary Public

My Commission Expires _____

Printed Name of Notary Public



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

AFFIDAVIT OF NON-RESIDENT TITLE PRODUCER

BEFORE ME, the undersigned authority, personally came and appeared _____
(individual licensee name), a producer licensed for the line of title in Louisiana and a resident of _____
(resident state) and _____, (name of individual
representing employer) as a representative of _____ (name of employer), an
insurance agency producer licensed for the line of title in Louisiana, who, after being by me duly sworn and under penalty
of perjury did depose and say:

- 1) The employer is an agency producer licensed as a resident of Louisiana for the line of title with Louisiana
producer license number _____.
- 2) The individual is a producer licensed as a non-resident of Louisiana for the line of title with Louisiana producer
license number _____.
- 3) (Check One)
 The individual is a full-time employee of the employer but not a designated responsible producer of
the agency producer.
 The individual is a full-time employee of the employer and a designated responsible producer of the
agency producer who has never had an insurance producer license suspended, revoked or
denied by any jurisdiction.
- 4) The employer has properly affiliated the individual with agency producer pursuant to La. R.S. 22:1546 B.

Signature of Witness

Signature of Individual Producer

Printed Name of Witness

Printed Name of Individual Producer

Signature of Witness

Signature of Employer Representative

Printed Name of Witness

Printed Name of Employer Representative

SWORN TO and subscribed before me this _____ day of _____, 20____.

Bar Roll or Notary Number of Notary Public

Signature of Notary Public

My Commission Expires _____

Printed Name of Notary Public



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

AFFIDAVIT OF NON-RESIDENT TITLE AGENCY PRODUCER

BEFORE ME, the undersigned authority, personally came and appeared _____
(name of designated responsible producer of agency producer), as the designated responsible producer of
_____(name of agency producer), an insurance producer licensed
for the line of title in Louisiana with the Louisiana license number _____, who, after
being by me duly sworn and under penalty of perjury did depose and say:

- 1) The agency producer has a principal place of business in Louisiana located at

(physical address of principal place of business in Louisiana.)

- 2) Neither the agency producer nor any designated responsible producer of the agency producer has ever had an insurance producer license suspended, revoked or denied by any jurisdiction.

Signature of Witness

Signature of Designated Responsible Producer

Printed Name of Witness

Printed Name of Individual Producer

Signature of Witness

Printed Name of Witness

SWORN TO and subscribed before me this _____ day of _____, 20_____.

Bar Roll or Notary Number of Notary Public

Signature of Notary Public

My Commission Expires _____

Printed Name of Notary Public