ADVISORY LETTER 2021-01

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: March 11, 2021

On December 9, 2020, I revised and reissued Advisory Letter No. 2020-04 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; this act became 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. This Advisory Letter will serve as further guidance regarding the issuance of new title producer licenses and the renewal of existing title producer licenses pursuant to the requirements of Act 310.

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 means 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.

Act 310 sets forth certain requirements for obtaining and maintaining a producer license for the line of title insurance. To be issued a producer license for title, an applicant must demonstrate that they meet these requirements. Effective immediately, no new title insurance agency producer license or non-resident individual title producer license will be issued, and no existing title agency producer license or non-resident individual title producer license will be renewed or reinstated, without submission of affidavits certifying compliance with the terms of Act 310. These affidavits are required in addition to other requirements for issuance or renewal of a license applicable to producer licenses generally.
While resident individual applicants are not required to file affidavits in connection with a title producer license initial or renewal application, Act 310 adds new license qualifications effective with applications filed on or after January 1, 2021. These requirements are in addition to general application requirements for resident insurance producers. An individual who is a resident of Louisiana and is making application for a producer license for the line of title must submit a copy of his/her high school diploma, a diploma for completion of a home study program approved by the State Board of Elementary and Secondary Education, or a high school equivalency diploma issued after successfully completing the test of general education development. In addition, an individual applicant for a resident title producer license is required to complete a 20-hour prelicense education course prior to sitting for the title license examination. I have approved a course to comply with the prelicense education requirements. You may find information on this course and any that are approved in the future at https://ldi.la.gov/industry/producer-adjuster/education/prelicensing-education-information

A non-resident individual must complete and submit the attached form entitled “Affidavit for Non-Resident Title Producer (Applicant)” to confirm full-time employment with a resident licensed title producer agency; the completion and submission of this form is in addition to any other requirements to obtain an individual non-resident title insurance producer license.

A business entity that has made application to be licensed by the LDI (in addition to any other requirements to obtain a title insurance producer license) must complete and submit the attached form entitled “Affidavit of Agency Producer Applicant.” This form is signed by an officer or member of the agency producer certifying that neither the agency producer itself nor the agency’s designated individual producer(s) has ever had a producer license suspended, revoked, or refused in any state.

An applicant may submit the required documents by uploading copies of the completed documents to the National Insurance Producer Registry (NIPR) Attachment Warehouse in association with the application or by submitting copies of the documents via email to producerlicensing@ldi.la.gov. If emailed, the email should include the transaction number issued by NIPR for the application.

In addition to the required fee and renewal form, a non-resident individual producer that is seeking to renew a Louisiana producer license for the line of title must complete and submit the attached form entitled “Affidavit of Non-Resident Title Producer (Current License Holder).” Any licensee that submitted renewal forms and fees and the affidavits in compliance with Advisory Letter 2020-04 prior to issuance of this Advisory Letter 2021-01 is not required to submit the attached forms.
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In addition to the required fee and renewal form, a producer agency, both resident and non-resident, that is seeking to renew a Louisiana producer license for the line of title must have a designated individual producer of the agency complete and submit the attached form entitled “Affidavit of Designated Individual Producer Responsible for Title Agency.” Any licensee that submitted forms in compliance with Advisory Letter 2020-04 prior to issuance of this Advisory Letter 2021-01 is not required to submit the attached forms for the 2021 renewal of a title producer license.

An applicant may submit the required documents by uploading copies of the completed documents to the National Insurance Producer Registry (NIPR) Attachment Warehouse in association with the application or by submitting copies of the documents via email to producerlicensing@ldi.la.gov. If emailed, the email should include the transaction number issued by NIPR for the initial application or renewal or, in the case of a renewal submitted using the Industry Access System, a notation to that effect.

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 11th day of March, 2021.

[Signature]

JAMES J. DONELON
COMMISSIONER OF INSURANCE
AFFIDAVIT OF AGENCY PRODUCER APPLICANT

BEFORE ME, the undersigned authority, personally came and appeared ______________________________
(name of Designated Individual Producer), as the Designated Individual Producer responsible for
______________________________________________(name of Agency Producer Applicant), a business entity that
has filed an application for an insurance producer license for the line of title in Louisiana, who, after being by me duly
sworn and under penalty of perjury, did depose and say:

1) Upon licensure, the Agency Producer Applicant will have a principal place of business in Louisiana located at
______________________________________________________________________ _________________
(physical address of principal place of business in Louisiana.)

2) The Agency Producer Applicant has never had its insurance producer license suspended, revoked or denied by
any jurisdiction,

3) The Designated Individual Producer has never had his/her insurance producer license suspended, revoked, or
denied by any jurisdiction

_______________________________________________
Signature of Designated Individual Producer

_______________________________________________
Printed Name of Designated Individual Producer

SWORN TO and subscribed before me this ______________day of ________________________, 20__.

_______________________________________________
Notary Public or Bar Roll Number

_______________________________________________
Signature of Notary Public

My Commission Expires____________________________

_______________________________________________
Printed Name of Notary Public
AFFIDAVIT OF DESIGNATED INDIVIDUAL PRODUCER  
RESPONSIBLE FOR TITLE AGENCY

BEFORE ME, the undersigned authority, personally came and appeared ______________________________
(name of Designated Individual Producer), as the Designated Individual Producer responsible for
______________________________________________ (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) The Agency Producer has never had its insurance producer license suspended, revoked or denied by any
jurisdiction,

3) The Designated Individual Producer has never had his/her insurance producer license suspended, revoked or
denied by any jurisdiction

_______________________________________________  
Signature of Designated Individual Producer

_______________________________________________  
Printed Name of Designated Individual Producer

SWORN TO and subscribed before me this ________ day of ____________________, 20___.

_______________________________________________  
Notary Public or Bar Roll Number  
Signature of Notary Public

My Commission Expires ________________________________  
Printed Name of Notary Public

AFFIDAVIT OF DESIGNATED INDIVIDUAL PRODUCER

Rev. 03-2021
BEFORE ME, the undersigned authority, personally came and appeared ______________________________
(name of Non-Resident Title Producer Applicant), a producer licensed as a resident producer for the line of title in the
state of __________________________________ (state of resident license) and
______________________________________, (name of Employer Representative) 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) Upon licensure, the employer will properly affiliate the individual with Agency Producer pursuant to La. R.S.
22:1546 B.

3) The individual has filed an application for a non-resident producer license for the line of title in Louisiana and
has a National Producer Number (NPN) of ______________________.

4) Check One:
   ____ Upon licensure, the Non-Resident Title Producer Applicant will be a full-time employee of the
   employer but not a Designated Individual Producer.
   ____ Upon licensure, the Non-Resident Title Producer Applicant will be a full-time employee of the
   employer and a Designated Individual Producer. The Non-Resident Title Producer Applicant has
   never had an insurance producer license suspended, revoked, or denied by any jurisdiction.

____________________________
Signature of Employer Representative

____________________________
Printed Name of Employer Representative

____________________________
Signature of Non-Resident Title Producer

____________________________
Printed Name of Non-Resident Title Producer

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

____________________________
Notary Public or Bar Roll Number

____________________________
Signature of Notary Public

My Commission Expires ______________________________

Printed Name of Notary Public

AFFIDAVIT OF APPLICANT FOR NON-RESIDENT TITLE PRODUCER
Rev 03-2021
AFFIDAVIT OF NON-RESIDENT TITLE PRODUCER
(CURRENT LICENSE HOLDER)

BEFORE ME, the undersigned authority, personally came and appeared ______________________________
(name of Non-Resident Title Producer), a producer licensed for the line of title in Louisiana and a resident of
____________________(resident state) and ___________________________________,(name of Employer
Representative) 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 Employer has properly affiliated the Non-Resident Title Producer pursuant to La. R.S. 22:1546 B.

3) The Non-Resident Title Producer is a producer licensed as a non-resident of Louisiana for the line of title,
Louisiana producer license number ________________________.

4) Check One:

_____ The Non-Resident Title Producer is a full-time employee of the employer but not a Designated
Individual Producer.

_____ The Non-Resident Title Producer is a full-time employee of the employer and a Designated
Individual Producer. The Non-Resident Title Producer has never had an insurance producer
license suspended, revoked, or denied by any jurisdiction.

____________________________________
Signature of Employer Representative

____________________________________
Printed Name of Employer Representative

____________________________________
Signature of Non-Resident Title Producer

____________________________________
Printed Name of Non-Resident Title Producer

SWORN TO and subscribed before me this __________day of _____________________. 20__.

____________________________________
Notary Public or Bar Roll Number

____________________________________
Signature of Notary Public

My Commission Expires____________________________

____________________________________
Printed Name of Notary Public

AFFIDAVIT OF NON-RESIDENT TITLE PRODUCER
Rev 03-2021