

D. If the phone number provided is a general phone number of the risk-bearing entity, the contact information submitted shall include the extension of the individual.

E. The commissioner may provide additional contact types for which a risk-bearing entity may submit contact information to facilitate communication with the department.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

#### **§17507. Annual Notification of Contact Information**

A. No later than March 1st annually, every risk-bearing entity conducting business in Louisiana shall provide notice to the commissioner that sets forth the name, mailing address, phone number, and electronic mail address for each required contact as set forth above in §17505.

B. This notice shall be made electronically using the department's industry access system or any subsequent program provided by the commissioner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1646 (November 2021).

#### **§17509. Notice of Change of Contact Information**

A. Every risk-bearing entity shall notify the commissioner within 30 days of any change in the contact information that was provided with the annual filing.

B. The notification of change may be made by using the department's industry access system or through an electronic filing of a uniform notification created by the National Association of Insurance Commissioners.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1647 (November 2021).

#### **§17511. Violations**

A. Failure to provide notice to the commissioner of the required contact information on or before March 1<sup>st</sup> or to provide a notification of change to the commissioner within 30 days of any change in the contact information may be determined by the commissioner to be a violation of R.S. 22:41.2 and may result in or subject a risk-bearing entity to penalties pursuant to R.S. 22:18 or 22:337(A)(5).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:2E, 22:11, 22:18, 22:41.2, 22:337(A)(5), and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1647 (November 2021).

## **Chapter 177. Regulation Number 119—Issuance of Consent or a Waiver Pursuant to R.S. 22:1554**

### **§17701. Purpose**

A. The purpose of this regulation is to establish a procedure by which an insurance producer may request consent or a waiver to employ or to otherwise associate with his business an individual engaged in the business of insurance who has been convicted of a felony in accordance with R.S. 22:1554(A)(18); prescribe the duration and transferability of consent or a waiver issued to an insurance producer; provide for the applicability of 18 U.S.C. §1033(e)(B)(2); and provide for the penalties imposed for failure to comply with this regulation in accordance with R.S. 22:1554A.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1878 (December 2021).

### **§17703. Applicability and Scope**

A. Regulation 119 shall apply to all insurance producers licensed in Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1879 (December 2021).

### **§17705. Definitions**

A. Strictly for the purposes of Regulation 119, the following terms are defined as follows:

*Business of Insurance*—the writing of insurance or the reinsuring of risks by an insurance producer, including all acts necessary or incidental to such writing or reinsuring, and the activities of persons who act as, or are, officers, directors, agents, or employees of producers, or who are other persons authorized to act on behalf of such persons.

*Commissioner*—the Louisiana Commissioner of Insurance.

*Convicted*—having been found guilty of a felony by a judge or jury, having entered a felony plea of guilty or nolo contendere or no contest, or having been given felony probation, a suspended sentence, or a fine, regardless of whether the record is expunged.

*Employee*—an individual who has established an employment relationship as a W-2 employee or as a 1099 independent contractor.

*Insurance License*—a document issued by the commissioner authorizing a person to act as an insurance producer issued pursuant to Title 22.

*Insurance Producer*—a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, and includes all persons or business entities otherwise referred to as "insurance agent" or "agent," or "insurance broker" or "broker," or "insurance solicitor" or "solicitor," or "surplus lines broker" pursuant to R.S. 22:1542(6).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1879 (December 2021).

**§17707. Procedure to Request Consent or a Waiver Pursuant to R.S. 22:1554**

A. The commissioner may place on probation, suspend, revoke, or refuse to issue, renew, or reinstate an insurance producer license, or may levy a fine not to exceed five hundred dollars if an insurance producer, without the consent of or a waiver from the commissioner, has employed or has allowed to associate with his business, in any manner, any person engaged in the business of insurance who has been convicted of a felony under the laws of this state or any other state or territory, the District of Columbia, the United States, or any foreign country.

B. In order to ensure compliance with R.S. 22:1554(A)(18), insurance producers should screen potential employees by performing a background check.

C. An insurance producer requesting consent or a waiver pursuant to R.S. 22:1554(A)(18) shall do so in writing in a form approved by the commissioner. Such request shall include:

1. the employee's name, job title and date of birth;
2. the employee's date of employment;
3. a detailed description of the employee's job duties;
4. a statement from the employee explaining the facts and circumstances of the conviction;
5. a bill of information or other charging documents, court minutes, sentencing documents, and proof of successful completion of sentence for the felony conviction(s);
6. any other information deemed necessary by the commissioner.

D. The decision to grant or deny a request for consent or a waiver shall be issued in writing to the requesting employer.

E. The commissioner may deny consent or a waiver if he finds:

1. the competence, experience or integrity of the employee are such that it would not be in the best interest of clients of the employer or the public to allow the individual to be employed in the business of insurance;

2. the employing insurance producer or the employee knowingly makes a materially false statement or omission of material information in the request; or

3. any other reason, now or hereinafter, as provided for in applicable statutes and regulations.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1879 (December 2021).

**§17709. Duration and Transferability**

A. Consent or a waiver issued pursuant to R.S. 22:1554(A)(18) shall be issued solely to the employing insurance producer and shall remain in effect during the employment of the individual with the insurance producer. However, such consent or waiver may be rescinded if the employee is found to have subsequently committed an act pursuant to R.S. 22:1554(A)(7), or it is found that the request for consent or a waiver contained materially false information or omitted material information.

B. Consent or a waiver shall not be transferred to another employer.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1879 (December 2021).

**§17711. Applicability of 18 U.S.C. §1033**

A. An individual who has been convicted of a felony involving dishonesty or breach of trust shall be required to request written consent from the commissioner to engage in the business of insurance or participate in such business pursuant to 18 U.S.C. §1033(e)(B)(2).

B. The employing insurance producer of an individual who obtained written consent pursuant to 18 U.S.C. §1033(e)(B)(2) is required to obtain a waiver pursuant to R.S. 22:1554(A)(18). However, an employer is not required to submit the documents enumerated in §17707.B.5. of Regulation 119 if the employee has an active license in this state.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1879 (December 2021).

**§17713. Violations and Penalties**

A. The commissioner may impose penalties in accordance with R.S. 22:1554(A) for failure to comply with this regulation.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1880 (December 2021).

### §17715. Effective Date

A. This regulation shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1880 (December 2021).

### §17717. Severability

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart, which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1554, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1880 (December 2021).

## Chapter 179. Regulation 118— Requirements in the Event of a Declared Emergency

### §17901. Purpose

A. The purpose of Regulation 118 is:

1. to establish requirements and set forth the procedure for the commissioner to implement rules and regulations on the business of insurance in the event of a declared emergency or public health emergency pursuant to the authority granted in La. R.S. 22:11(C);

2. to provide for a process for supplementing existing rules and regulations with emergency rules and regulations particular to the unique needs of a declared emergency or public health emergency;

3. to set forth the model requirements to be implemented in the event of a declared emergency or public health emergency having such effect as necessitates intervention by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:1532 (October 2021).

### §17903. Applicability and Scope

A. Regulation 118 shall apply to any and all insurers, health maintenance organizations, producers, all other entities regulated by the Louisiana Department of Insurance, health care providers, and individuals and to any and all kinds of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:1532 (October 2021).

### §17905. Definitions

A. As used in this Regulation 118, the following terms shall have the meanings specified.

*Commissioner*—the Commissioner of the Louisiana Department of Insurance.

*Declaration of Emergency*—an executive order or proclamation by the governor declaring a disaster or state of emergency pursuant to R.S. 29:724 or a public health emergency pursuant to R.S. 29:766.

*Declared Emergency*—a disaster or state of emergency declared by the governor pursuant to R.S. 29:724 or a public health emergency declared by the governor pursuant to R.S. 29:766.

*Department*—the Louisiana Department of Insurance.

*Insurer*—every person or entity engaged in the business of making contracts of insurance, other than a fraternal benefit society, as defined in R.S. 22:46(10), and any other person or entity doing business in Louisiana and/or regulated by the commissioner.

*Standing Rule*—model language to be used for emergency rules to be promulgated by the department pursuant to Title 22 and the Administrative Procedure Act, comprising the rules and regulations specified in §17913 through 17961 of this Regulation 118.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 47:1532 (October 2021).

### §17907. Emergency Powers, Generally

A. In the event of a declared emergency, the commissioner may issue an Emergency Rule to govern the business of insurance. Such Emergency Rule shall include, but not be limited to, the following:

1. provide for the implementation of the standing rule, including specification of any sections which are not to be implemented during the declared emergency;

2. provide for any requirements to be imposed in addition to the standing rule during the declared emergency;

3. specify the geographic area to which the Emergency Rule applies;

4. specify the duration for which the Emergency Rule applies, including an effective date which shall not precede the date of declaration of emergency.

B. The commissioner may promulgate additional Emergency Rules pursuant to the authority granted to the commissioner by Title 22 and the Administrative Procedure Act.