

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Emergency Rule 38—Temporary Licensing of Certain Insurance Producers (LAC 37:XI.Chapter 37)

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the state of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens.

Emergency Rule 38 is issued to address the mass disruption to the normalcy previously enjoyed by citizens of Louisiana as a result of the effects of Covid-19. Specifically, the stay at home orders inhibit the ability to sit for an insurance examination and submit fingerprints in association with insurance producer license applications. Emergency Rule 38 is issued under the authority of the Commissioner of Insurance for the State of Louisiana, pursuant to the following: Proclamation No. JBE 2020-25 issued on March 11, 2020, by Governor John Bel Edwards declaring a State of Emergency extending from March 11, 2020, through April 9, 2020, unless terminated sooner and Proclamation No. JBE 2020-29 issued on March 14, 2020, transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon (Commissioner).

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, it is necessary to issue Emergency Rule 38.

Title 37 INSURANCE Part XI. Rules

Chapter 37. Emergency Rule 38—Temporary Licensing of Certain Producers

§3701. Purpose

A. Emergency Rule 38 provides for the procedure to implement the protocol necessitated for the temporary licensing of insurance producer applicants who have been negatively impacted by closure of insurance testing sites following issuance of Proclamation No. 33 JBE 2020, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 unless terminated sooner.

B. An additional purpose of this regulation is to set forth the duration of the temporary license issued hereunder, the eligibility for the license and the process of obtaining a permanent replacement producer license.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3703. Applicability and Scope

A. Emergency Rule 38 shall apply to those individuals making application for an insurance producer license for the line or lines of insurance with a pre-licensing education requirement set forth in R.S. 22:1571E or F. producer applicants.

B. Emergency Rule 38 shall not apply to any license for which there is no pre-licensing education requirement.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3705. Definitions

A. For the purposes of Emergency Rule 38 the following terms are defined as follows:

Applicant—a natural person who is seeking a license as an insurance producer who is required by statute to obtain pre-licensing education and pass an examination.

Approved Pre-Licensing Course—an education program certified by the Commissioner pursuant to R.S. 22:1571.

Commissioner—the Commissioner of Insurance for the State of Louisiana.

Insurance Producer—as defined in R.S. 1542(6).

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3707. Temporary License Application

A. An individual that has completed a Louisiana approved pre-licensing course no more than 12 months prior and who would be eligible to sit for the applicable pre-licensing examination if the contracted testing centers were available may request issuance of a temporary license for the line or lines of insurance for which they have met the pre-license education requirement.

B. The individual shall submit an insurance producer license application for the line or lines of insurance using the National Insurance Producer Registration (NIPR) website at nipr.com and pay the appropriate fee upon submission.

C. After receiving confirmation of the submission of the application using nipr.com, the applicant shall submit a written request to be issued a temporary license to the Louisiana Department of Insurance by email to producerlicensing@ldi.la.gov. That written request must include the transaction number received from nipr.com upon submission of the application and include a copy of the pre-license program completion certificate issued by the approved pre-licensing provider to the individual.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3709. Condition of Issuance of Temporary License

A. An applicant for a temporary license pursuant to this Emergency Rule shall not have been convicted of a felony.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3711. Expiration of Temporary License

A. All temporary licenses issued pursuant to this Emergency Rule shall expire on May 15, 2020 unless the term is extended by Order of the Commissioner.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3713. Conversion of Temporary License

A. Any temporary license issued pursuant to Emergency Regulation 38 may be converted into a permanent license by completion of all prerequisites of a license for the line or lines of insurance including passing the required examination and submission of fingerprints pursuant to the applicable statutes prior to expiration of the temporary license.

B. No additional fee shall be required in association with the issuance of a permanent license.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3715. License Denial, Suspension or Revocation

A. The Commissioner may refuse to issue, suspend or revoke any temporary license issued pursuant to Emergency Rule 38 for any of the reasons set forth in R.S. 22:1554.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3717. Effective Date

A. Emergency Rule 38 shall become effective at 12:01 a.m. on March 25, 2020 and shall continue in full force and effect until May 15, 2020, unless terminated sooner.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§3719. Severability

A. If any section or provision of Emergency Rule 38 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Emergency Rule 38 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Emergency Rule 38 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-29, R.S. 22:2, R.S. 22:11, and R.S. 22:1553.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

James J. Donelon
Commissioner