

NOTICE OF PROPOSED RULEMAKING

NOTICE IS HEREBY GIVEN that the Superintendent of Insurance (“OSI” or “Superintendent”) will hold a public video/telephone hearing regarding proposed amendments to **13.1.3 NMAC PRIVACY OF NONPUBLIC PERSONAL INFORMATION**. The hearing will commence on **October 29, 2021 at 9:00 a.m.**

PURPOSE AND SUMMARY OF THE PROPOSED AMENDMENTS: On February 3, 2021, the Superintendent of Insurance granted the petition of American Property Casualty Insurance Association (“APCIA”) for a rulemaking to amend 13.1.3.9 NMAC. APCIA is proposing that the current rules be amended so that if certain criteria set forth in the federal FAST Act are met by a licensee, then the sending of an annual privacy notice pursuant to 13.1.3.9 NMAC is not required; the licensee will, however, be required to send a copy of its current privacy policies and practices to policyholders if it does not meet the criteria.

STATUTORY AUTHORITY: Sections 59A-2-9 and 59A-2-9.3 NMSA 1978.

TO ATTEND THE HEARING: Join via Video: <https://us02web.zoom.us/j/2916274744>
Join via telephone: 1-312-626-6799
Meeting ID: 291 627 4744

The Superintendent designates R. Alfred Walker to act as the hearing examiner for this rulemaking.

Copies of the Notice of Proposed Rulemaking and proposed amended rules are available by electronic download from the OSI eDocket <https://edocket.osi.state.nm.us/guest/case-view/3920> or the New Mexico Sunshine Portal, or by requesting a copy by calling (505) 476-0333. Note: Due to the COVID-19 pandemic, the physical offices of the OSI remain closed to the public until further notice.

Oral comments will be accepted at the public hearing from members of the public and any interested parties. Written comments will be accepted through 4:00 pm on Friday, October 29, 2021. Responses to written comments or oral comments will be accepted through 4:00 pm on November 8, 2021. All comments shall be filed through the eDocket at <https://edocket.osi.state.nm.us/guest/case-view/3920> or by mail:

OSI Records and Docketing, NM Office of Superintendent of Insurance
1120 Paseo de Peralta, P.O. Box 1689, Santa Fe, NM 87504-1689
For assistance with filing documents, please email OSI-docketfiling@state.nm.us.
Note: The eDocket requires an initial registration step before allowing users to upload/file documents. All documents submitted for filing shall indicate the docket number for this case.

Docket No. 21-00008-RULE-PC

IN THE MATTER OF THE PETITION OF THE AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION TO AMEND 13.1.3.9 NMAC

Only signed comments will be accepted. Scanned 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 signature. All filings must be received between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday except on state holidays. Any filings after 4:00 will be filed to the docket the next business day. The Superintendent will consider all oral comments and will review all timely submitted written comments and responses.

SPECIAL NEEDS: Any person with a disability requiring special assistance to participate in the hearing should contact Melissa Gutierrez at 505-476-0333 no later than ten (10) business days prior to the hearing.

DONE AND ORDERED this 28th day of September, 2021
/S/RUSSELL TOAL