

This rule was filed as 13 NMAC 4.6.

TITLE 13 INSURANCE
CHAPTER 4 LICENSING OF INSURANCE PROFESSIONALS
PART 6 PARENTAL RESPONSIBILITY

13.4.6.1 ISSUING AGENCY: New Mexico State Corporation Commission [Public Regulation Commission], Department of Insurance, Post Office Box 1269, Santa Fe, NM 87504-1269.
[11/23/95; Recompiled 11/30/01]

13.4.6.2 SCOPE: This rule applies to all persons who are required to have a license issued by the superintendent before engaging in the business of insurance.
[11/23/95, 7/1/97; Recompiled 11/30/01]

13.4.6.3 STATUTORY AUTHORITY: Section 40-5A-9 NMSA 1978.
[11/23/95; Recompiled 11/30/01]

13.4.6.4 DURATION: Permanent.
[7/1/97; Recompiled 11/30/01]

13.4.6.5 EFFECTIVE DATE: November 23, 1995, unless a later date is cited at the end of a section or paragraph. Repromulgated in NMAC format effective July 1, 1997.
[11/23/95, 7/1/97; Recompiled 11/30/01]
[Compiler's note: The words *or paragraph*, above, are no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

13.4.6.6 OBJECTIVE: The purpose of this rule is to implement the requirements of the Parental Responsibility Act, Sections 40-5A-1 to 40-5A-13 NMSA 1978, as they apply to the issuance, renewal, suspension or revocation of any license issued by the superintendent of insurance.
[11/23/95, 7/1/97; Recompiled 11/30/01]

13.4.6.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this rule.

- A. **"HSD"** means the New Mexico human services department.
- B. **"Judgment and order for support"** means the judgment entered against an obligor by the district court or a tribal court in a case brought by the HSD pursuant to Title IV-D of the Social Security Act.
- C. **"License"** means a license, certificate, registration or permit issued by the superintendent or department that a person is required to have to engage in the business of insurance in New Mexico.
- D. **"Statement of compliance"** means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support.
- E. **"Statement of non-compliance"** means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

[11/23/95, Recompiled 11/30/01]

13.4.6.8 SANCTIONS: If an applicant or licensee is not in compliance with a judgment and order for support, the superintendent shall:

- A. deny an application for a license as provided in 13 NMAC 4.6.10 [now 13.4.6.10 NMAC] of this rule; or
- B. deny license renewal by disapproving the continuation of agent appointments as provided in 13 NMAC 4.6.10 [now 13.4.6.10 NMAC] of this rule; or
- C. commence revocation of a license as provided in 13 NMAC 4.6.10 and 4.6.11 [now 13.4.6.10 NMAC and 13.4.6.11 NMAC] of this rule.

[11/23/95; Recompiled 11/30/01]

13.4.6.9 CERTIFIED LIST:

A. **Receipt of certified list from HSD:** Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the superintendent shall match the certified list of obligors against the current list of licensees and applicants. By the end of the month in which the certified list of obligors is received, the superintendent shall report to HSD the names of the applicants and licensees who are on the certified list of obligors and the action the superintendent has taken in connection with such applicants and licensees.

B. **Receipt of application:** Upon the later receipt of an application for license or renewal, the superintendent shall match the applicant against the current certified list.
[11/23/95; Recompiled 11/30/01]

13.4.6.10 INITIAL ACTION:

A. Upon determination that an applicant or licensee appears on HSD's certified list, the superintendent shall notify the applicant or licensee by letter that the applicant or licensee must provide the superintendent with a subsequent statement of compliance within 30 days of mailing the notification.

B. The notice letter to applicants shall advise that failure to timely provide the statement of compliance shall automatically, without any further notice to the applicant, necessitate the superintendent's rejection of the application and that such rejection constitutes grounds for applicants to request a hearing before the superintendent pursuant to Section 59A-4-15 NMSA 1978.

C. The notice letter to licensees shall advise that failure to timely provide the statement of compliance shall result in commencement of a formal proceeding for license revocation under 13 NMAC 4.6.11 [now 13.4.6.11 NMAC] of this rule.
[11/23/95; Recompiled 11/30/01]

13.4.6.11 PROCEEDING TO REVOKE LICENSE: The superintendent shall file and serve upon the licensee a notice and order of license revocation, in accordance with the procedures listed in 13 NMAC 4.6.14 [now 13.4.6.14 NMAC] of this rule. If the revocation is due solely to the licensee's failure to comply with a judgment and order for support, and there are no additional grounds due to violations of the Insurance Code, the notice and order of revocation shall state:

- A. the grounds for the superintendent's proposed action; and
 - B. that the superintendent's action to revoke will become final and not subject to review or appeal ninety days after mailing the notice and order unless, on or before the ninety day deadline, the respondent licensee:
 - (1) files a request for hearing in the docket briefly stating the respects in which the applicant is so aggrieved, the relief to be sought and the grounds to be relied upon as a basis for relief; or
 - (2) provides the superintendent with a statement of compliance.
- [11/23/95; Recompiled 11/30/01]

13.4.6.12 EVIDENCE AND PROOF: In any hearing under 13 NMAC 4.6.11 [now 13.4.6.11 NMAC] of this rule, relevant evidence is limited to the accuracy or veracity of the statement of non-compliance. The statement of non-compliance is conclusive evidence requiring the superintendent to take the revocation action under 13 NMAC 4.6.11 [now 13.4.6.11 NMAC] of this rule.
[11/23/95; Recompiled 11/30/01]

13.4.6.13 ORDER: When an action to revoke a license is taken by the superintendent solely because the licensee is not in compliance with a judgment and order for support, the final order shall state that the respondent may reapply for licensure at any time upon presentation of a subsequent statement of compliance filed with and verified by the superintendent.
[11/23/95; Recompiled 11/30/01]

13.4.6.14 PROCEDURES: Proceedings under this rule shall be governed by Sections 59A-4-15 through 59A-4-18 NMSA 1978, as amended; provided, however, that all denial actions for license applications and renewals and all license revocations for bail bondsmen and bail bondsmen solicitors are governed by the Uniform Licensing Act, Sections 61-1-1 through 61-1-31 NMSA 1978, as amended.
[11/23/95; Recompiled 11/30/01]

HISTORY OF 13.4.6 NMAC:

Pre-NMAC History: The material in this rule was previously filed with the State Records Center as:

SCC 95-02-IN, Parental Responsibility Act Rule, filed 10/24/95.

History of Repealed Material: [RESERVED]