

TITLE 13 INSURANCE
CHAPTER 4 LICENSING OF INSURANCE PROFESSIONALS
PART 7 CONTINUING EDUCATION REQUIREMENTS

13.4.7.1 ISSUING AGENCY: New Mexico Public Regulation Commission, Insurance Division.
[13.4.7.1 NMAC – Rp, 13 NMAC 4.7.1, 5-1-02]

13.4.7.2 SCOPE:

- A.** This rule applies to all licensed agents, brokers, limited surety agents, solicitors, bail bond solicitors, property bondsmen, nonresident agents, and nonresident brokers unless exempted by subsection B of this section.
- B.** The continuing education requirements of this rule shall not apply to:
- (1)** holders of limited licenses issued pursuant to NMSA 1978 Section 59A-12-18;
 - (2)** persons who have been licensed as agents, solicitors, nonresident agents or nonresident brokers for 25 years or more;
 - (3)** persons who maintain a license solely for the purpose of receiving renewal fee residuals and who do not otherwise transact the business of insurance;
 - (4)** agents of fraternal benefit societies licensed pursuant to NMSA 1978 Section 59A-44-33; or
 - (5)** nonresident agents and nonresident brokers who are licensed in another state or country and who are subject to continuing education requirements in the state or country in which they are licensed.

[13.4.7.2 NMAC – Rp, 13 NMAC 4.7.2, 5-1-02]

13.4.7.3 STATUTORY AUTHORITY: NMSA 1978 Sections 59A-2-9 and 59A-12-26.

[13.4.7.3 NMAC – Rp, 13 NMAC 4.7.3, 5-1-02]

13.4.7.4 DURATION: Permanent.

[13.4.7.4 NMAC – Rp, 13 NMAC 4.7.4, 5-1-02]

13.4.7.5 EFFECTIVE DATE: May 1, 2002 unless a later date is cited at the end of a section.

[13.4.7.5 NMAC – Rp, 13 NMAC 4.7.5, 5-1-02]

13.4.7.6 OBJECTIVE: The purpose of this rule is to implement NMSA 1978 Section 59A-12-26 by setting forth continuing education requirements for licensees.

[13.4.7.6 NMAC – Rp, 13 NMAC 4.7.6, 5-1-02]

13.4.7.7 DEFINITIONS: As used in this rule:

- A.** **approved course** means a course of instruction approved by the committee as satisfying the continuing education requirements of this rule.
- B.** **committee** means the Insurance Continuing Education Committee.
- C.** **credit hour** means fifty (50) minutes of actual instruction or self-study time in an approved course.
- D.** **licensee** means an agent, broker, limited surety agent, solicitor, bail bond solicitor, property bondsman, nonresident agent, or nonresident broker within the scope of this rule.

[13.4.7.7 NMAC – Rp, 13 NMAC 4.7.7 and 4.7.13, 5-1-02]

13.4.7.8 INSURANCE CONTINUING EDUCATION COMMITTEE:

A. The Superintendent shall appoint an Insurance Continuing Education Committee that shall serve at his pleasure. The committee shall be a volunteer committee and shall not be entitled to per diem or other reimbursement or remuneration.

B. The committee shall approve individual courses of instruction for continuing education credit, notify the Superintendent of approved courses as they are approved, and make recommendations regarding continuing education courses and other matters assigned by the Superintendent.

C. The committee shall not approve any continuing education course that does not provide a method by which a provider can assure that a licensee has completed the course.

[13.4.7.8 NMAC – Rp, 13 NMAC 4.7.8, 5-1-02]

13.4.7.9 REQUIREMENTS FOR LICENSEES:

A. Hours required annually.

(1) Title insurance licensees shall annually complete seven (7) credit hours of approved courses covering title insurance.

(2) All other licensees shall annually complete fifteen (15) credit hours of approved courses covering some or all of the kinds of insurance for which they are licensed.

B. No carry-over. No licensee may carry over credit hours earned in one (1) compliance year to the next compliance year.

C. No duplicate credit. No additional credit will be granted to a licensee for completion of the same approved course more than once in any three (3) year period.

[13.4.7.9 NMAC – Rp, 13 NMAC 4.7.9, 5-1-02]

13.4.7.10 COURSE CONTENT: Individual courses shall be a minimum of 2 credit hours in length.

A. Ethics. At least one (1) of the annual continuing education credit hours shall be devoted to ethics and shall be designed to improve the licensee's understanding of the transaction of insurance business, including professional and ethical conduct, fiduciary obligations and duties, and responsible insurance agency management.

B. Insurance subjects. The remaining instruction time shall be designed to refresh the licensee's understanding of basic insurance principles and coverages, applicable laws and Insurance Division rules, and recent and prospective changes to them.

C. Approved learning formats. A course may utilize any combination of formal classroom instruction, lectures, seminars, panel discussions, question-and-answer periods, correspondence courses, web-based courses, courses on media disk, audiotapes, and videotapes as long as the provider can assure that a licensee has completed the course.

[13.4.7.10 NMAC – Rp, 13 NMAC 4.7.10, 5-1-02]

13.4.7.11 PROVIDER REQUIREMENTS:

A. Course content. A provider of an approved course shall assure that:

(1) the curriculum offered relates to insurance subjects, or subjects which relate to the individual licensee's transaction of insurance business; and

(2) the course has significant intellectual or practical content and that its primary objective is to increase the participant's professional competence as a licensee.

B. Statement of approved courses: Providers of approved courses shall include the following written statement in the course materials for each approved course: "This course has been approved by the Insurance Continuing Education Committee as New Mexico Insurance Continuing Education Course Number [insert number] for [insert number] hours of credit."

C. Presenters. A provider of an approved course shall assure that presenters for all courses are qualified by practical or academic experience to teach the subject to be covered. For purposes of this rule, practical or academic experience shall include, but not be limited to, actual experience related to the kind of insurance which is the subject of the course, undergraduate or graduate educational training, or professional insurance industry designations such as the Chartered Property Casualty Underwriter (CPCU), Chartered Life Underwriter (CLU), and Fellow of the Life Management Institute (FLMI) designations;

D. Course completion. A provider shall assure that each licensee completes the course either by:

(1) monitoring the course to witness attendance and participation; or

(2) requiring submission of a test or other written work evidencing understanding of the course material.

E. Certificates of completion.

(1) A provider shall issue to a licensee within 10 days of the date a licensee completes an approved course a certificate of completion signed by an authorized representative of the provider.

(2) The certificate of completion shall be on the form prescribed by the Superintendent and shall contain the following information:

(a) the licensee's name and social security number;

(b) the course title, course number, and number of credits of the completed course; and

(c) the date the licensee completed the course.

F. Records. A provider shall maintain records of attendance and course completion for a minimum of three (3) years and make such records available to the Superintendent or the committee upon reasonable request.

[13.4.7.11 NMAC – Rp, 13 NMAC 4.7.11, 5-1-02]

13.4.7.12 REPORTING REQUIREMENTS:

A. Continuing education credit year. The continuing education credit year shall begin on October 1 of each year and end on September 30 of the following year.

B. Verified statement of completion of continuing education requirements. A licensee shall file a verified statement indicating that the licensee has completed the required number of credits of approved courses. The verified statement for the prior continuing education credit year shall be on the form prescribed by the Superintendent, shall contain original signatures, and shall be filed with the Superintendent no later than October 31 of each year.

C. Fees. A licensee shall submit the fee prescribed by subsection F of NMSA 1978 Section 59A-12-26 to the Superintendent together with the licensee's verified statement.

D. Credit to licensee. The Superintendent will not credit continuing education credits to a licensee until the Superintendent receives the verified statement of completion and the fee from the licensee.

E. Records. A licensee shall maintain copies of certificates of completion of approved courses and verified statements for a period of three (3) years.

[13.4.7.12 NMAC – Rp, 13 NMAC 4.7.15, 5-1-02]

13.4.7.13 LIST OF APPROVED COURSES: The Superintendent shall maintain a list of approved courses. All interested parties may obtain copies of the list upon request and upon payment of a reasonable fee determined by the Superintendent.

[13.4.7.13 NMAC – Rp, 13 NMAC 4.7.14, 5-1-02]

13.4.7.14 AUDITING PROCEDURES:

A. All continuing education records submitted or maintained pursuant to this rule are subject to audit by the Superintendent.

B. If the Superintendent finds a certificate of completion to be incomplete or questionable, the Superintendent shall issue a notice of deficiencies requiring the provider, within thirty (30) days of receipt of the notice, to provide the missing information, submit accurate and detailed evidence of attendance, or otherwise correct the deficiencies.

[13.4.7.14 NMAC – Rp, 13 NMAC 4.7.16, 5-1-02]

13.4.7.15 PENALTIES:

A. The Superintendent may, in accordance with NMSA 1978 Section 59A-11-15, revoke, suspend or refuse to continue the license of a licensee who fails to comply with this rule and may impose other applicable administrative penalties authorized by the Insurance Code.

B. A provider who submits a falsified certificate of completion, or who fails to respond to the Superintendent's notice of deficiencies, shall be subject to all applicable penalties provided by law.

[13.4.7.15 NMAC – Rp, 13 NMAC 4.7.17, 5-1-02]

HISTORY OF 13.4.7 NMAC:

Pre-NMAC history. The material in this rule was previously filed with the State Records Center as: SCC 85-2, In Re to Article II: Rules Regarding Continuing Education Requirements, on April 17, 1985; SCC-85-11, Insurance Department Regulation 12 - Insurance Agents, Brokers and Solicitors, on October 10, 1985; SCC-91-3-IN, Continuing Education Requirements of Insurance Agents, Brokers, and Solicitors, on January 31, 1992.

NMAC history.

Recompiled as 13 NMAC 4.7, Continuing Education Requirements, effective 7-1-97.

13.4.7 NMAC, Continuing Education Requirements, effective 5-1-02

History of repealed material.

13 NMAC 4.7, Continuing Education Requirements, effective 5-1-02