TO BE COMPLETED BY STATE INSURANCE DEPARTMENTS

NARAB (EX) WORKING GROUP RECIPROCITY CHECKLIST

A. 1. Are there any requirements or submissions imposed upon a non-resident producer seeking licensure in your state other than:

   a. The person must be currently licensed as a resident and in good standing in his or her home state;
   b. The person has submitted the proper request for licensure and has paid the required fees;
   c. The person has submitted or transmitted to the insurance commissioner the application for licensure that the person submitted to his or her home state or, in lieu of the same, a completed Uniform Application; and
   d. The person’s home state awards non-resident producer licenses to residents of your state on the same basis?

No, these are the only requirements/submissions _____ or

Yes, there are additional requirements/submissions _____X____

If you answered “yes” to the above question please explain the additional requirements/submissions and provide the authority in your statutes or regulations for imposing such requirements/submissions. (Please use separate page(s) if necessary.)

Fingerprinting – Sections 626.171; 626.201; 626.9272 [All lines of authority]
Exam – Sections 626.84201 [Title]; and 626.9272 [Surplus Lines - if the resident state does not require an exam that covers surplus lines]


2. Does your state impose any additional requirements or submissions other than the four listed in A.1 upon a non-resident business entity seeking licensure?

Yes _____X____ or No _____

If yes, please explain the additional requirements/submissions applicable to business entities and provide the authority in your statutes or regulations for imposing such requirements/submissions. (Please use separate page(s) if necessary.)

Business Entities (Insurance agencies): Owner, partner, officer, director, president, senior vice president, treasurer, secretary, limited liability company member, or individual who directs or participates in the management or control of the insurance agency, whether through ownership of voting securities, by contract, by ownership of any agency bank account, or otherwise are required to be fingerprinted – Section 626.172(2)(f)

__________________________________________________________

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B. Do you have the legal authority to waive any requirements other than the four requirements stated in A.1 above relating to the licensing of a non-resident producer if the non-resident producer’s home state grants licenses to producers from your state on the same basis (see Sec. 16, PLMA)?

Yes ____ or No __ X __
Citation (if applicable): ______________________

C. 1. In your state, will a non-resident license be granted for at least the same scope of authority as the non-resident producer applicant’s home state license?

Yes __ X __ or No ____
Citation (if applicable): Sections 626.741(3) [General Lines/Property & Casualty and Personal Lines]; 626.792(5) [Life]; 626.835(5) [Health]; 626.84201 [Title]; 626.9272(3) [Surplus Lines]

2. Does your state require a non-resident applicant seeking a variable life license to also obtain a life license from your state?

Yes __ X __ or No ____
Citation (if applicable): Section 626.015(10) — definition of life agent includes variable contracts.

If yes, will you waive this requirement? __ No __________________________
Citation (if applicable): The Department lacks authority to waive this requirement.

D. In your state, is a non-resident producer’s continuing education requirement met if the non-resident producer fulfills his or her home state continuing education requirement and the home state also grants such reciprocity?

Yes __ X __ or No ____
Citation (if applicable): _______ Section 626.2815(6) __________________________

E. For each “yes” answer to any of the following questions, please indicate whether you can and will waive the requirement in order to achieve non-resident producer licensing reciprocity.

In your state:

1. Is an appointment required prior to or concurrent with licensure?

Yes ____ or No __ X __
Citation (if applicable): __________________________
Please explain: __________________________

If yes, will you waive this requirement? __________________________
2. Are there any bond, E & O, deposit, tax clearance or trust account requirements for non-resident applicants or producers?

Yes _____ or No ___ X ___
Citation(s) (if applicable): ____________________________
Please explain:

If yes, will you waive this requirement?
Citation(s) (if applicable): ____________________________

3. Are non-resident surplus lines applicants or producers required to post a bond?

Yes _____ or No ___ X ___
Citation (if applicable): ____________________________
Please explain:

If yes, will you waive this requirement?
Citation (if applicable): ____________________________

4. a. Are non-resident surplus lines applicants or producers required to obtain an underlying general lines or P&C license from your state as a condition to surplus lines licensure?

Yes __ X ___ or No _____ (If No, you may proceed to E.5.)
Citation (if applicable): Section 626.9272(1)(5)

b. Does your state have a diligent search requirement?

Yes ___ X ___ or No ________
Citation (if applicable): __________ Section 626.916(1)(a)

c. Is the surplus lines producer required to perform the diligent search of the admitted market in your state?

Yes _____ No ___ X ___ or Sometimes ______
Citation (if applicable): __________ Section 626.916(1)(a)

If “Sometimes,” please explain the circumstances under which the surplus lines producer is or is not required to perform the diligent search.
d. If the surplus lines producer is not required to perform or is not otherwise performing the diligent search, will you waive the requirement to obtain an underlying general lines or P&C license from your state?

Yes ___ or No ___

Citation (if applicable): ______________________

5. Are there any training, education, prior experience requirements or minimum age requirements for non-resident applicants or producers?

Yes ___ X ___ or No ___

Citation(s) (if applicable): Sections 626.741(6) [General Lines/Property & Casualty and Personal Lines]; 626.785(1)(a) [Life]; 626.831(1)(a) [Health]; 626.84201 [Title]; 626.9272(5) [Surplus Lines]

Please explain: Must be at least 18 years of age

If yes, will you waive such requirement(s)? ______ No ______

Citation(s) (if applicable): These requirements are statutory and the Department lacks authority to waive.

6. Are there any provisions allowing only resident producers to sell or solicit insurance or bonds for state business, special funds or entities or state funded projects?

Yes _____ or No ___ X ___

Citation(s) (if applicable): ______________________

Please explain: ______________________

If yes, will you waive such restriction(s) for non-resident producers? ______________

Citation(s) (if applicable): ______________________

F. Are there any post-licensing or other regulatory requirements on any non-resident producer that limit or condition the non-resident producer’s activities because of such producer’s residence or place of operations, or that otherwise subject the non-resident producer to different or discriminatory regulatory requirements than those imposed upon residents?

Yes ____ or No ___ X ___

If yes, please list the post-licensing/other regulatory requirement(s):

Citation(s) (if applicable): ______________________

If yes, will you waive any of the requirements listed above?

Yes ____ or No

Citation(s) (if applicable): ______________________
CERTIFICATION

I hereby certify that I am familiar with the laws, decisions, rules, regulations and other state action having the effect of law in my jurisdiction and upon review of the same affirm that the responses to the above and foregoing are true and correct. Moreover, I hereby further certify that I have the authority to waive those producer licensing requirements as indicated hereinabove and agree to waive said requirements in order to meet the reciprocity standard for non-resident producer licensing as set forth in the Gramm-Leach-Bliley Act.

Date: 5/13/14

(Signature)
Title: Bureau Chief Licensing

This document is not intended to reflect any position statement of the NAIC, but has been prepared solely to assist the NARAB Working Group in its review of continuing compliance with the reciprocity provisions of the Gramm-Leach-Bliley Act.

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