

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 X or

Yes, there are additional requirements/submissions _____

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.)

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 _____ or No X

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.)

- Department of State Registration: Section 13.02 of the PR Corporations General Law, 14 LPRC 3162 and Section 9.260(2)(b) of the Insurance Code of Puerto Rico, 26 LPRC 951m(2)(b).
- Appointment of a resident producer in charge or insurance transactions in Puerto Rico- Section 9.260(2)(c) of the Insurance Code of Puerto Rico, 26 LPRC 951m(2)(c).

- 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 _____

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 _____ or No _____

Citation (if applicable): Council of Insurance Agents & Brokers, Plaintiff, Appellee, v. Dorelisse Juarbe Jiménez, in Her Official Capacity as the Puerto Rico Commissioner of Insurance, Defendant, Appellant (United States Court of Appeals, First Circuit. – 443 F.3d 103. Heard March 8, 2006/Decided March 30, 2006.

This appeal arises from the entry of an injunctions based on a finding of facial unconstitutionality of provisions of Chapters 3.29 (1 and 2) and 9.27 (1 and 2) of the Insurance Code of Puerto Rico which impose restrictions on the ability of *nonresident* licensed insurance agents and brokers to participate in the Puerto Rico insurance market, thus advantaging *resident* agents and brokers.

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

Yes _____ or No _____

Citation (if applicable): Rule 45, section e(1), of the Puerto Rico Rules and Regulations, Article 2(a), and Section 9.490 of the Insurance Code of Puerto Rico.

If yes, will you waive this requirement? No _____

Citation (if applicable): _____

- 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 _____ or No _____

Citation (if applicable): _____

- 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): Sections 9.020, 9.021, and 9.0210 of the Insurance Code of Puerto Rico, 26 LPRa 949a, 949b, and 951a, and Ruling Letter CAN-8-76-2006 of August 28, 2006.

If the individual is an authorized representative, he/she will need an appointment pertaining to Article 9.063 of the Insurance Code of Puerto Rico.

If yes, will you waive this requirement? We could waive it if the proper amendments are done to Chapter 9 of the Insurance Code of Puerto Rico.

2. Are there any bond, E & O, deposit, tax clearance or trust account requirements for non-resident applicants or producers?

Yes X or No _____

Citation(s) (if applicable): Section 9.200 of the Insurance Code of Puerto Rico, 26 LPRa 951.

Please explain: If the applicant intends to represent clients and not insurers in our jurisdiction, a bond for no less than \$10,000 is required at the time of applying for a non-resident license.

If yes, will you waive this requirement? We will waive it if this bond is required in another jurisdiction (the first jurisdiction that the producer applies in).

Citation(s) (if applicable): _____

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

Yes X or No _____

Citation (if applicable): Section 10.110 of the Insurance Code of Puerto Rico.

Please explain: We ask that the surplus lines applicants present a \$25,000 bond.

If yes, will you waive this requirement? Yes? If the Insurance Code is amended.

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): Surplus lines brokers are required to obtain an underlying Producer or Authorized Representative License for P&C. (Section 10.110 of the Insurance Code of Puerto Rico).

- b. Does your state have a diligent search requirement?

Yes X or No _____

Citation (if applicable): Section 1007 (1) of the Insurance Code of Puerto Rico and Rule 28 of the Puerto Rico Rules and Regulations.

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

Yes X, No _____ or Sometimes _____

Citation (if applicable): _____

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): N/A

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

Yes _____ or No X

Citation(s) (if applicable): _____

Please explain: Changes in the Statute are required to change the legal age in Puerto Rico from 21 years old to 18 years old, pertaining to the solicitation of an insurance license.

If yes, will you waive such requirement(s)? We will waive it subject to the changes in the Statute.

Citation(s) (if applicable): _____

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): N/A

- 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): N/A _____

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: 18MAY2010

[Handwritten Signature]

(Signature)
Title: COMMISSIONER

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.