

FINAL - For Distribution

**TO BE COMPLETED BY STATE INSURANCE DEPARTMENTS**

**NARAB (EX) WORKING GROUP RECIPROCALITY 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 \_\_\_\_\_

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.)

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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

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.)

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FINAL - For Distribution

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): §10-119(a) of Insurance Article, Annotated Code of Maryland

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): \_\_\_\_\_

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): \_\_\_\_\_

If yes, will you waive this requirement? \_\_\_\_\_  
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   
Citation (if applicable): \_\_\_\_\_  
Please explain: \_\_\_\_\_

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

FINAL - For Distribution

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

Yes  or No   
Citation(s) (if applicable): §10-126(a)(23) of Insurance Article, Annotated Code of Maryland  
Please explain: See Comments

If yes, will you waive this requirement? No  
Citation(s) (if applicable):

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

Yes  or No   
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  or No  (If No, you may proceed to E.5.)  
Citation (if applicable): §§ 3-306.1(a)(1)(i) and 3-311(i) of Insurance Article, Annotated Code of Maryland

b. Does your state have a diligent search requirement?

Yes  or No   
Citation (if applicable): § 3-306.1(a)(1)(i) of Insurance Article, Annotated Code of Maryland

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

Yes , No  or Sometimes   
Citation (if applicable): § 3-306.1(a)(1)(i) of Insurance Article, Annotated Code of Maryland

If "Sometimes," please explain the circumstances under which the surplus lines producer is or is not required to perform the diligent search.

See Comments

FINAL – For Distribution

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  or No

Citation(s) (if applicable): \_\_\_\_\_

Please explain: \_\_\_\_\_

If yes, will you waive such requirement(s)? \_\_\_\_\_

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

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

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): \_\_\_\_\_

FINAL – For Distribution

**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: 7-1-10John G. Birnbaum  
(Signature)Title: Associate 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.*

## MD COMMENTS TO NARAB RECIPROCITY CHECK LIST

As to p. 3, Question 2. MD does have a statute that provides for disciplinary action against the renewal of a license for any person who has a tax delinquency under Section 10-126 (a) (23) of the Insurance Article, Ann. Code of Md. No additional information is requested from the licensee, all the verification of the information is done against database maintained by the State Comptroller's Office. The June 20, 2008 Memorandum from the NAIC Legal Division indicated that verifying that the applicant for a non resident license has paid all undisputed taxes and unemployment insurance contributions was not a violation of GLBA reciprocity requirements.

As to p.4, Question 4.a.,b.and c., MD does require the surplus lines broker to obtain an underlying P&C license, only if the surplus lines broker is the one to perform the due diligent search of the admitted market under Sections 3-311 (1) and 306.1 (a)(1)(i) of the Insurance Article. Section 3-306.1 (a)(1)(i) provides that".. a diligent search... shall be deemed completed if :..the insured or the surplus lines broker or insurance producer obtains declinations of a risk..."