

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:597 (May 2021), repealed LR 48:2760 (November 2022).

§517. Provider Requirements

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:597 (May 2021), repealed LR 48:2761 (November 2022).

§519. Instructor Qualifications

[Formerly §517]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2171 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:2761 (November 2022).

§521. Training Facilities Requirements

[Formerly §519]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:2761 (November 2022).

§523. Authority of the Commissioner to Conduct On-Site Review of Preclicensing Programs

[Formerly §521]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:598 (May 2021), repealed LR 48:2761 (November 2022).

§525. Program Completion

[Formerly §523]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:2761 (November 2022).

§527. Fees

[Formerly §525]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:2761 (November 2022).

§529. Complaints

[Formerly §527]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:2761 (November 2022).

§531. Violations

[Formerly §529]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1189, R.S. 22:1545, R.S. 22:1547, R.S. 22:1571, R.S. 22:1808.2, and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2172 (July 2011), amended LR 47:599 (May 2021), repealed LR 48:2761 (November 2022).

James J. Donelon
Commissioner

2211#019

RULE

Department of Insurance Office of the Commissioner

Rule 10—Continuing Education (LAC 37:XI.Chapter 7)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Rule 10—Continuing Education. The amendment of Rule 10 implements the provisions of Act 56 and Act 273 of the 2022 Regular Session of the Louisiana Legislature. The purpose of the amendment to Rule 10 is to (1) remove the first renewal exemption for completion of continuing education as preclicensing education is no longer required; (2) include required information that must be submitted to qualify for continuing education credit for participation in professional association activities; (3) clarify what data is required in association with the renewal of a continuing education course; (4) modify terminology relative to accident and

health insurance and the commissioner; and (5) provide for technical changes. This Rule is hereby adopted on the day of promulgation.

Title 37
INSURANCE
Part XI. Rules

Chapter 7. Rule Number 10—Continuing Education

§703. Purpose

A. The purpose of this Rule is to protect the public, maintain high standards of professional competency in the insurance industry, and maintain and improve the insurance skills and knowledge of producers, adjusters, and insurance consultants licensed by the commissioner. This shall be accomplished by prescribing the following:

1. - 2. ...

3. a procedure for establishing to the commissioner that continuing education requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), repromulgated LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§705. Applicability and Scope

A. This Rule applies to all natural persons who are licensed by the commissioner as producers for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines or title and all adjusters and insurance consultants licensed by the commissioner. This Rule shall also apply to the providers of continuing education programs and instructors for such programs.

B. - B.1. ...

2. an individual renewing a resident claims adjuster license for the first time after initial issuance. Thereafter the licensee shall be subject to all applicable continuing education requirements;

3. an individual renewing a public adjuster license within one year of initial issuance;

4. an individual licensed as an insurance producer who, on the date of renewal submission, is 65 years or older and who has at least 15 years of experience and who either:

a. is no longer actively engaged in the insurance business as a producer and who is receiving social security benefits, if eligible; or

b. is actively engaged in the insurance business as a producer and who represents or operates through a licensed Louisiana insurer or insurance agency.

C. Any person seeking an exemption to the continuing education requirements pursuant to the provisions of Paragraph B.4 above shall attest to his eligibility for the exemption on a form provided by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§709. Definitions

A. As used in this Rule, unless the context otherwise requires, the following definitions shall be applicable.

Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678 or as a public adjuster pursuant to the provisions R.S. 22:1691-1708.

Claims Adjuster—an individual who is licensed by the commissioner as a claims adjuster pursuant to the provisions of R.S. 22:1661-1678.

Commissioner—the commissioner of insurance of Louisiana.

Insurance Consultant—an individual licensed as an insurance consultant pursuant to the provisions of R.S. 22:1808.1-1808.13.

Insurance Producer or Producer—an individual who is licensed by the commissioner as an insurance producer pursuant to the provisions of R.S. 22:1541-1566.

Licensee—an individual licensed as an insurance producer or insurance consultant for the lines of life, accident and health or sickness, property, casualty, bail bonds, personal lines, title, or as a claims adjuster or a public adjuster by the commissioner.

Provider—an entity presenting a continuing education program.

Public Adjuster—an individual who is licensed by the commissioner as a public adjuster pursuant to the provisions of R.S. 22:1691-1708.

Renewal Period—the two years immediately preceding expiration of a producer or adjuster license. For the purposes of a newly issued license “renewal period” shall mean the time between the issuance of the license and the next scheduled expiration of the license.

Self-Study—an internet, CD-ROM, DVD, or other computer based presentation or a correspondence course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§711. Continuing Education Requirements

A. As a condition of the renewal of a license, the continuing education provider or licensee must furnish the commissioner, prior to the license expiration date, proof of satisfactory completion of approved programs having the required minimum hours of continuing education credit.

1. Insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines—24 hours.

2. - 4. ...

B. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for one or more of the lines of life, accident and health or sickness, property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of ethics.

C. The 24 hours of continuing education required for insurance producers or insurance consultants licensed for

one or more of the lines of property, casualty or personal lines shall include a minimum of three hours dedicated to the subject of flood insurance.

D. - K. ...

L. Subject to the provisions of Subsection K above, a licensee who acts as an instructor for any program approved for continuing education credit by the commissioner shall receive the same number of hours as would be granted to a licensee taking and successfully completing the program.

M. - N. ...

O.1. Insurance producers who are members of state or national insurance associations may be granted up to four continuing education credits each renewal period for actively participating in a state or national insurance association in any of the following methods:

a. attend a formal meeting of a state or national insurance association where a formal business program is presented and attendance is verified in a manner consistent with the provisions of this Rule;

b. serve on the board of directors or a formal committee of a state or national chapter of the insurance association, and actively participate in the activities of the board or committee;

c. participate in industry, regulatory, or legislative meetings held by or on behalf of a state or national chapter of the insurance association; or

d. participate in other formal insurance business activities of a state or national chapter of the insurance association.

2. To qualify for continuing education credit under this provision, members must participate in qualified activities as described in Paragraph O.1 of this Section. The state or national insurance association shall be responsible for verifying participation. Attendance at meetings which are otherwise approved for continuing education credit do not qualify under the terms of this provision. The state or national insurance association shall submit a formal request to the commissioner for approval of continuing education credits issued under the terms of this provision. The request shall include the name and Louisiana license number for all producers for whom credit is being requested and information on the completed activities including the dates, times and descriptions of those activities. Such requests shall be made to the commissioner no more than 365 days after completion of the activity and shall be made in increments of not less than one hour. The commissioner shall review the requests and grant credit to the producers only after determining that the request is consistent with the provisions of this Rule.

3. ...

4. Regardless of the number of state or national insurance associations in which an insurance producer actively participates, under no circumstances shall an insurance producer receive more than four credit hours per renewal period for such participation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2173 (July 2011), amended LR 47:600 (May 2021), amended LR 48:2762 (November 2022).

§715. Program Certification Requirements

A. An application for certification of a continuing education program shall be submitted to the commissioner not less than 30 days prior to the expected use of the program. Each application shall be submitted electronically using the "CE Course Administration Module" of the Industry Access System or succeeding system and shall include:

1. - 2. ...

3. a statement of the method used to determine the course has been completed and whether there has been a positive achievement of education on the part of the licensee participating in the program. Such method may be a written examination, a written report by the licensee, certification by the organization providing the program of the attendance or completion of the program by the licensee, or any other method approved by the commissioner as appropriate for the subject;

4. - 9. ...

10. payment of all fees as required by R.S. 22:821(B)(29).

B. - L. ...

M. A request for renewal of an internet-based self-study program shall include statistical information related to the program including the total number of Louisiana resident licensees who participated in the program in the previous three years and the average and median amount of time spent in the course environment by those licensees. In addition to the required information, the provider may also include information for all participants of the program. This information may be used by the commissioner in determining the appropriate number of credit hours to be awarded to the program upon renewal.

N. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2175 (July 2011), amended LR 47:602 (May 2021), amended LR 48:2763 (November 2022).

§717. Measurement of Credit Hours

A. ...

B. Credit for continuing education programs shall be given in full hours only.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:602 (May 2021), amended LR 48:2763 (November 2022).

§719. Provider Requirements

A. - B.8. ...

9. the fee required by R.S. 22:821(B)(29);

B.10 - D.6. ...

E. Every certification of a provider by the commissioner shall expire three years from the date of issuance and may be renewed by filing a renewal application as required by the commissioner not less than 90 days prior to expiration.

F. If the certification of a provider expires without renewal or is rescinded or renewal refused, the commissioner's approvals of continuing education programs presented by that provider shall be rescinded.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), amended LR 47:603 (May 2021), amended LR 48:2763 (November 2022).

§721. Instructor Qualifications
[Formerly §719]

A. Every provider of a continuing education program shall designate an individual as a supervisory instructor. The supervisory instructor shall be responsible for the conduct of all other instructors or guest instructors and shall be responsible for assuring the quality of the instructional program. Every supervisory instructor shall have a minimum of five years of insurance experience and/or graduate level or professional education satisfactory to the commissioner.

B. - D.4 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2176 (July 2011), repromulgated LR 47:603 (May 2021), amended LR 48:2764 (November 2022).

§727. Program Completion
[Formerly §725]

A. - C. ...

D. A provider may not provide credit unless the licensee has completed the full continuing education program. A licensee may not receive partial credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

§729. Fees
[Formerly §727]

A. All applications submitted to the commissioner seeking certification of a continuing education program or provider shall be accompanied by the fee set forth in R.S. 22:821(B)(29).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

§733. Violations
[Formerly §731]

A. The commissioner may deny, suspend, rescind, or refuse to renew the certification of a continuing education program or provider should he find the program, the

supervisory instructor, instructor or the provider of the program has violated any provision of this Rule or any applicable provisions of the Louisiana Insurance Code or should he find that continued operation of the continuing education program is not in the best interest of the citizens of this state or the insurance buying public.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, R.S. 22:1547, R.S. 22:1573, R.S. 22:1673, R.S. 22:1678, R.S. 22:1702, R.S. 22:1708, R.S. 22:1808.4 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 37:2177 (July 2011), amended LR 47:604 (May 2021), amended LR 48:2764 (November 2022).

James J. Donelon
Commissioner

2211#020

RULE

Department of Revenue
Policy Services Division

Mandatory Electronic Filing and Payment
of Tobacco Tax by Vapor Dealers
(LAC 61.III.1533 and 1534)

Under the authority of R.S. 13:5077, 47:1511, 47:1519, and 47:1520, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61.III.1533 and 1534, to mandate electronic filing and payment by retail dealers of vapor products.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) authorizes the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this regulation is to mandate electronic filing of tobacco tax returns and reports by retail dealers of vapor products and electronic payment of all tobacco tax by retail dealers of vapor products. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions
Chapter 15. Mandatory Electronic Filing of Tax
Returns and Payment

§1533. Tobacco Tax—Electronic Filing Requirements

A.1. For tax periods beginning on or after October 1, 2019, every dealer that files a Louisiana Tobacco Tax Return shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

2. For tax periods beginning on or after January 1, 2023, every retail dealer of vapor products that files a Louisiana Tobacco Tax Return for Retail Dealers of Vapor Products shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.