



LOUISIANA DEPARTMENT OF INSURANCE
JAMES J. DONELON
COMMISSIONER

ADVISORY LETTER 2022-02

TO: ALL INDIVIDUAL TITLE INSURANCE PRODUCERS, AGENCY PRODUCERS LICENSED FOR THE LINE OF TITLE, AND TITLE INSURERS

FROM: JAMES J. DONELON, COMMISSIONER OF INSURANCE

RE: ACT 264 OF THE 2022 REGULAR SESSION OF THE LOUISIANA LEGISLATURE

DATE: JULY 29, 2022

Act No. 264 of the 2022 Regular Session of the Louisiana Legislature (“Act 264”) relative to the qualifications for an individual title insurance producer license and an agency producer license for the line of title insurance will become effective August 1, 2022. Act 264 enacts new statutory provisions and amends and reenacts existing provisions set forth in La. R.S. 22:512 and La. R.S. 22:513 of the Louisiana Insurance Code (Title 22) relative to the requirements for obtaining and maintaining a producer license for the line of title with respect to both individual and agency producers. The purpose of this Advisory Letter is to provide guidance regarding the issuance of new individual title insurance producer and agency producer licenses and the renewal of such licenses pursuant to the provisions promulgated in Act 264.

La. R.S. 22:513(B)(2) requires that an individual title insurance producer be either a resident of Louisiana or a full-time employee of a licensed agency producer with a principal place of business physically located in Louisiana. Act 264 helps to clarify the statute by defining several previously undefined terms, including “full-time employee” and “principal place of business.” A “principal place of business” is defined as “the place from which the officers or other principals of an agency title insurance producer direct, control, and coordinate the entity’s business activities.” Act 264 defines a “full-time employee” as “an individual with an employment or independent contractor relationship with an agency producer in which the individual provides full-time availability to the agency producer with whom the relationship exists and whose employment or contract relationship is exclusive to the agency producer and the agency producer’s affiliated businesses”. A new definition is also included for an “affiliated business,” which is defined as “a company or business in the same corporate system by virtue of common ownership, control, operation and management.” In addition to these new definitions, Act 264 also provides an amended definition for “agency title insurance producer” or “agency producer,” which is now defined as “a business entity appointed to represent a title insurer, whose principal place of business is physically located in this state and who has designated a resident individual

producer licensed for the line of title as responsible for complying with the insurance laws, rules, and regulations of this state.”

With respect to the qualifications and requirements pertaining to individual title insurance producer licenses and agency producer licenses for the line of title insurance, please be advised that effective immediately, no new producer license for the line of title insurance will be issued without the submission of all required documents, including the appropriate affidavit certifying compliance with the terms set forth in La. R.S. 22:512 and La. R.S. 22:513, as amended by Act 264. All non-resident individual title insurance producer license applicants shall complete and submit an executed “Affidavit of Non-Resident Individual Title Insurance Producer (Application for new license)” form to the Louisiana Department of Insurance (“LDI”) in accordance with the instructions set forth herein. Similarly, every Louisiana entity seeking an agency producer license for the line of title insurance shall complete and submit an executed “Affidavit of Resident Agency Producer (Application for new license)” form to the LDI pursuant to the instructions and guidance contained in this Advisory Letter. Submission of a completed and executed affidavit form, as appropriate, is required in addition to satisfying all other requirements for the issuance of a title producer license in Louisiana.

For a non-resident individual title insurance producer to maintain an existing producer license for the line of title after August 1, 2022, the individual title insurance producer must be a full-time employee of a resident agency producer licensed for the line of title in Louisiana. Every non-resident individual title insurance producer and their agency producer employer must complete the attached “Affidavit of Non-Resident Individual Title Insurance Producer (Renewal form for current license holder)” form and submit the executed form to the LDI no later than September 1, 2022. All licensed non-resident individual title insurance producers will also be required to provide the LDI with an updated “Affidavit of Non-Resident Individual Title Insurance Producer (Renewal form for current license holder)” form as part of each license renewal event that arises after August 1, 2022. However, a non-resident individual title insurance producer filing a license renewal after August 1, 2022, but before September 1, 2022, need only submit one completed affidavit form.

To maintain an existing agency producer license for the line of title after August 1, 2022, every agency producer must have a principal place of business situated within this state and must further designate a licensed resident individual title insurance producer who will be responsible for ensuring that the agency producer complies with Louisiana’s insurance laws, rules, and regulations. The designated individual must have a degree of affiliation with the agency producer, such as an ownership interest, a role as an officer, director, or employee, or such other relationship sufficient to cause or influence the agency producer’s compliance with all applicable laws. The designated individual title insurance producer, or other authorized representative of the agency producer, must

Advisory Letter 2022-02
July 29, 2022
Page 3 of 3

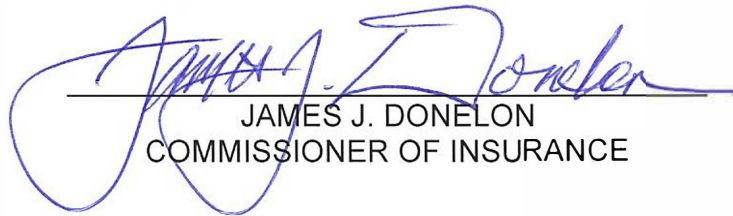
complete the attached “Affidavit of Resident Agency Producer (Renewal form for current license holder)” and submit the executed form to the LDI no later than September 1, 2022. Every agency producer licensed for the line of title shall also be required to complete and submit an executed affidavit form as part of each license renewal event that arises after August 1, 2022.

Resident individual title insurance producer applicants are not required to submit an affidavit form to the LDI in connection with an initial or renewal application for an individual title insurance producer license.

All applicants for a new or renewal individual title insurance producer license or agency producer license for the line of title insurance may submit the required documentation by uploading copies of the completed documents to the National Insurance Producer Registry (NIPR) Attachment Warehouse or by emailing copies of the completed documents to producerlicensing@ldi.la.gov. Emailed applications must include the transaction number issued by NIPR for the application.

If there are any questions or concerns regarding Advisory Letter 2022-02, please contact the Deputy Commissioner for the Office of Licensing, electronically at public@ldi.la.gov or by telephone at (225) 219-5941.

Baton Rouge, Louisiana, this 29th day of July 2022.



JAMES J. DONELON
COMMISSIONER OF INSURANCE



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

AFFIDAVIT OF NON-RESIDENT INDIVIDUAL TITLE INSURANCE PRODUCER
(APPLICATION FOR NEW LICENSE)

BEFORE ME, the undersigned authority, personally came and appeared the following affiants:

1) (Applicant) (hereinafter "Non-Resident Title Insurance Producer"), a non-resident individual title insurance producer, licensed in the state of as a resident producer for the line of title; and

2) (Representative of Resident Agency Producer), as an authorized representative of (Name of Resident Agency Producer) (hereinafter "Resident Agency Producer"), an insurance agency producer licensed for the line of title in Louisiana; and, who, after being individually sworn, did depose and affirm that:

A) The Resident Agency Producer is a resident agency producer licensed in Louisiana for the line of title and has a Louisiana producer license number of:

B) Once the Non-Resident Title Insurance Producer is licensed, the Resident Agency Producer will properly affiliate the Non-Resident Title Insurance Producer with Resident Agency Producer pursuant to La. R.S. 22:1546B.

C) The Non-Resident Title Insurance Producer has filed an application for a non-resident individual title insurance producer license and has a National Producer Number (NPN) of:

D) Check One:

Upon licensure, the Non-Resident Title Insurance Producer will be a full-time employee of the Resident Agency Producer as contemplated in La. R.S. 22:512(9.1) but will not serve as the Resident Agency Producer's designated individual producer.

Upon licensure, the Non-Resident Title Insurance Producer will be a full-time employee of the Resident Agency Producer as contemplated in La. R.S. 22:512(9.1) and will further serve as the Resident Agency Producer's designated individual producer. The Non-Resident Title Insurance Producer has never had his/her insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.

Signature of Resident Agency Producer Representative

Printed Name of Resident Agency Producer Representative

Signature of Non-Resident Title Insurance Producer

Printed Name of Non-Resident Title Insurance Producer

SWORN TO and subscribed before me this day of, 20.

Notary Public or Bar Roll Number

Signature of Notary Public

My Commission Expires

Printed Name of Notary Public



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

**AFFIDAVIT OF RESIDENT AGENCY PRODUCER
(APPLICATION FOR NEW LICENSE)**

BEFORE ME, the undersigned authority, personally came and appeared _____,
as an authorized representative of _____ (hereinafter "**Agency
Producer Applicant**"), a business entity that has filed an application for an agency producer license for the line
of title in Louisiana, and who, after being duly sworn, did depose and affirm that:

- 1) Upon licensure, the **Agency Producer Applicant** will have a principal place of business located in Louisiana and situated at the following physical address:

- 2) The principal place of business identified above will be the place from which the **Agency Producer Applicant's** officers or other principals direct, control, and coordinate its business activities.
- 3) The **Agency Producer Applicant** has never had its title insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.
- 4) The **Agency Producer Applicant** has designated a resident individual producer licensed for the line of title who has a degree of affiliation with the **Agency Producer Applicant**, occupying the position or role of _____ within the **Agency Producer Applicant**, which is sufficient to cause or influence the **Agency Producer Applicant's** compliance with all applicable insurance laws, rules, and regulations of this state.
- 5) The **Agency Producer Applicant's** designated resident individual title insurance producer has never had his/her insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.

Signature of Representative for **Agency Producer Applicant**

Printed Name of Representative for **Agency Producer Applicant**

SWORN TO and subscribed before me this _____ day of _____, 20_____.

Notary Public or Bar Roll Number

Signature of Notary Public

My Commission Expires:

Printed Name of Notary Public



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

AFFIDAVIT OF NON-RESIDENT INDIVIDUAL TITLE INSURANCE PRODUCER
(RENEWAL FORM FOR CURRENT LICENSE HOLDER)

BEFORE ME, the undersigned authority, personally came and appeared the following affiants:

1) (Applicant) (hereinafter "Non-Resident Title Insurance Producer"), a non-resident Individual producer licensed for the line of title in Louisiana and a resident of the state of ; and

2) (Representative of Resident Agency Producer), as an authorized representative of (Name of Resident Agency Producer) (hereinafter "Resident Agency Producer"), an insurance agency producer licensed for the line of title in Louisiana; and, who, after being individually sworn, did depose and affirm that:

- A) The Resident Agency Producer is a resident agency producer licensed in Louisiana for the line of title and has a Louisiana producer license number of: .
B) The Resident Agency Producer has properly affiliated the Non-Resident Title Insurance Producer pursuant to La. R.S. 22:1546.B.
C) The Non-Resident Title Insurance Producer is licensed as a non-resident individual title insurance producer in Louisiana and has a Louisiana producer license number of: .
D) Check One:

The Non-Resident Title Insurance Producer is a full-time employee of the Resident Agency Producer as contemplated in La. R.S. 22:512(9.1) but is not the Resident Agency Producer's designated individual producer.

The Non-Resident Title Insurance Producer is a full-time employee of the Resident Agency Producer as contemplated in La. R.S. 22:512(9.1) and is the Resident Agency Producer's designated individual producer. The Non-Resident Title Insurance Producer has never had his/her insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.

Signature of Resident Agency Producer Representative

Printed Name of Resident Agency Producer Representative

Signature of Non-Resident Title Insurance Producer

Printed Name of Non-Resident Title Insurance Producer

SWORN TO and subscribed before me this day of , 20.

Notary Public or Bar Roll Number

Signature of Notary Public

My Commission Expires

Printed Name of Notary Public



LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON
COMMISSIONER

**AFFIDAVIT OF RESIDENT AGENCY PRODUCER
(RENEWAL FORM FOR CURRENT LICENSE HOLDER)**

BEFORE ME, the undersigned authority, personally came and appeared _____,
as an authorized representative of _____ (hereinafter "**Resident Agency
Producer**"), an agency producer licensed for the line of title in Louisiana, having a Louisiana license number of:
_____, and who, after being duly sworn, did depose and affirm that:

- 1) The **Resident Agency Producer** has a principal place of business located in Louisiana and situated at the following physical address:

- 2) The principal place of business identified above is the place from which the **Resident Agency Producer's** officers or other principals direct, control, and coordinate its business activities.
- 3) The **Resident Agency Producer** has never had its title insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.
- 4) The **Resident Agency Producer's** designated resident individual producer licensed for the line of title has a degree of affiliation with the **Resident Agency Producer**, occupying the position or role of _____ within the **Resident Agency Producer**, which is sufficient to cause or influence the **Resident Agency Producer's** compliance with all applicable insurance laws, rules, and regulations of this state.
- 5) The **Resident Agency Producer's** designated resident individual title insurance producer has never had his/her insurance producer license suspended, revoked, or denied by any court or agency in any jurisdiction.

Signature of Representative for **Resident Agency Producer**

Printed Name of Representative for **Resident Agency Producer**

SWORN TO and subscribed before me this _____ day of _____, 20_____.

Notary Public or Bar Roll Number

Signature of Notary Public

My Commission Expires:

Printed Name of Notary Public