

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16525. Program Oversight**

A. The commissioner or his designee shall have the authority to visit a training facility for the purpose of oversight and review at any time. Oversight visits may include the review of curriculum records, review of attendance records, observation of instructional sessions in progress, and any other aspects of the program deemed necessary by the commissioner to comply with the law.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22: 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16527. Program Completion**

A. Every provider shall submit a report to the commissioner a minimum of 30 days from the program completion date of a candidate. The report shall be in a format compatible with the commissioner's specifications to facilitate the electronic reporting and transfer of attendance and successful completion information. The report shall contain the identification number assigned to the program by the commissioner, the name and such distinct information as necessary to clearly identify all candidates who successfully completed the program, and the date of completion.

B. Every provider shall present a certificate of successful completion to each candidate who successfully completes the program. This certificate shall be on a form acceptable to the commissioner and shall include the name of the candidate, the date of completion and the identification number assigned to the program by the commissioner.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16529. Fees**

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

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:821, 22:1668, 22:1678, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:40 (January 2020).

#### **§16531. Complaints**

A. The commissioner shall review all complaints lodged against a program, a provider, an instructor or the supervisory instructor of a program. Every provider shall respond to an inquiry from the commissioner regarding a complaint no later than 30 days from receipt of such inquiry.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16533. Violations**

A. The commissioner may deny, suspend, or rescind the approval of a provider or a program should he find the program, provider, an instructor, or the supervisory instructor of the program has violated any provision of this regulation or any applicable provisions of the Louisiana Insurance Code, or that continued operation of the program is not in the best interest of the citizens of this state or the insurance buying public.

B. An aggrieved party affected by the commissioner's decision, act, or order may demand a hearing in accordance with R.S. 22:2191 et seq.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678, 22:2191 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16535. Effective Date**

A. Regulation 114 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

#### **§16537. Severability**

A. If any section or provision of Regulation 114 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 114 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Regulation 114 and the application to any persons or circumstances are severable.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:1668, 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:41 (January 2020).

## **Chapter 167. Regulation Number 115—Title Insurance Record Retention**

#### **§16701. Purpose**

A. Regulation 115 implements the provisions of R.S. 22:533 which provides that the department may prescribe the specific record entries and documents to be kept by licensed title insurers and licensed title insurance producers and the retention period of said records.

B. The purpose of this regulation is to set forth the length of time that licensed title insurers and licensed title insurance producers shall maintain sufficient records of their affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1329 (September 2021).

### **§16703. Applicability and Scope**

A. Regulation 115 shall apply to all licensed title insurers and licensed title insurance producers in the State of Louisiana.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1330 (September 2021).

### **§16705. Authority**

A. Regulation 115 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes, including R.S. 22:11, R.S. 22:68, R.S. 22:526, R.S. 22:533, and R.S. 22:535.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:68, 22:526, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1330 (September 2021).

### **§16707. Definitions**

A. For the purposes of Regulation 115 the following terms are defined as follows:

*Commissioner*—the commissioner of Insurance for the state of Louisiana.

*Title Insurance Producer*—a person authorized on behalf of the title insurer to issue title insurance reports or policies.

*Title Insurer*—a company authorized under the laws of this state to transact the business of title insurance.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:512, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1329 (September 2021).

### **§16709. Record Retention**

A. Every title insurer and title insurance producer shall retain sufficient records of its affairs, including evidence of the examination of title and determination of insurability and records of its escrow operations and escrow accounts, for a

period of ten years. The ten-year period shall commence on the date of the act of sale or transfer of the underlying property or the date that the initial file on the subject property was opened, whichever is later.

B. Title insurers and title insurance producers may cause any or all books, records, documents, accounts, and vouchers to be photographed, reproduced on film, or maintained electronically in electronic data processing equipment in such a manner that their financial condition, affairs, and operations can be ascertained and compliance with the law can be determined by the department. Any photographs, microphotographs, optical imaging, electronic, or film reproductions of any original books, records, documents, accounts, and vouchers shall for all purposes be considered the same as the originals thereof and a transcript, exemplification, or certified copy of any such photograph, microphotograph, optical imaging, electronic, or film reproduction shall for all purposes be deemed to be a transcript, exemplification, or certified copy of the original.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:68, 22:526, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1330 (September 2021).

### **§16711. Effective Date**

A. Regulation 115 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1329 (September 2021).

### **§16713. Severability**

A. If any section or provision of Regulation 115 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 115 to any persons or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Regulation 115 and the application to any persons or circumstances are severable.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 22:11, 22:533, 22:535, and the Administrative Procedure Act, R.S. 49:950 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Insurance, Office of the Commissioner, LR 47:1329 (September 2021).

## **Chapter 169. Regulation 116—Stop-Loss or Excess Policies of Insurance**

### **§16901. Purpose**

A. The purpose of this regulation is to implement the provisions of Acts 2001, No. 273 of the Louisiana