

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Emergency Rule 44—Extension of Renewal Date

On January 31, 2020, the United States Department of Health and Human Services Secretary Alex A. Azar declared a public health emergency (PHE) for the United States to aid the nation's healthcare community in responding to the coronavirus disease (COVID-19). The United States Centers for Disease Control and Prevention (CDC) has declared COVID-19 a worldwide pandemic due to its global effect. Furthermore, on March 13, 2020, President Donald Trump invoked the Stafford Act and declared a national emergency regarding the COVID-19 outbreak. COVID-19 has been detected in the state of Louisiana with a growing number of residents testing positive for the disease. There is reason to believe that COVID-19 may spread among the population by various means of exposure, therefore posing a significant risk of substantial harm to a large number of citizens.

Emergency Rule 44 is issued to address the mass disruption to the normalcy previously enjoyed by citizens of Louisiana as a result of the effects of COVID-19. Specifically, Proclamation No. JBE 2020-33 and Proclamation No. JBE 2020-41, declaring a stay at home order, inhibit the ability for producers and adjusters to obtain continuing education and process renewals in association with producer and adjuster license applications. Emergency Rule 44 is issued under the authority of the Commissioner of Insurance for the State of Louisiana, pursuant to the following: Proclamation No. JBE 2020-25 issued on March 11, 2020, by Governor John Bel Edwards declaring a State of Emergency extending from March 11, 2020, through April 9, 2020, unless terminated sooner; Proclamation No. JBE 2020-29 issued on March 14, 2020, transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon; Proclamation No. JBE 2020-37 issued on March 26, 2020, transferring authority over certain insurance matters to Commissioner of Insurance James J. Donelon. Additionally, Proclamation No. JBE 2020-33 issued on March 22, 2020, declaring a stay at home order and closure of nonessential businesses until April 13, 2020 unless terminated sooner and Proclamation No. JBE 2020-41 issued on April 2, 2020, extending the stay at home order and closure of nonessential businesses until April 30, 2020 unless terminated sooner.

COVID-19 has created a mass disruption to the normalcy previously enjoyed by Louisianans and is an immediate threat to the public health, safety, and welfare of Louisiana citizens. In order to respond to the emergency and to protect and safeguard the public, health, safety and welfare of the citizens of this state, it is necessary to issue Emergency Rule 44.

Title 37 INSURANCE

Part XI. Regulations

Chapter 44. Emergency Rule 44—Extension of Renewal Date

§4401. Purpose

A. Emergency Rule 44 provides for the extension of renewal dates for licenses of insurance producers and adjusters held by individuals who have been negatively

impacted by the related commercial and economic impacts of COVID-19, in accordance with Proclamation No. JBE 2020-33, issued on March 22, 2020, by Governor John Bel Edwards declaring a stay at home order and closure of nonessential businesses until April 13, 2020 unless terminated sooner and Proclamation No. JBE 2020-41 issued on April 2, 2020, declaring a stay at home order and closure of nonessential businesses until April 30, 2020 unless terminated sooner.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4403. Applicability and Scope

A. Emergency Rule 44 shall apply to insurance producer and adjuster licensees with an expiration date of April 30, 2020.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4405. Definitions

A. For the purposes of Emergency Rule 44 the following terms are defined as follows:

Adjuster—as defined in R.S. 22:1661(1).

Commissioner—the Commissioner of Insurance for the State of Louisiana.

Insurance Producer or Producer—as defined in R.S. 22:1542(6)

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4407. Extension of Time to Renew

A. Every insurance producer and adjuster license with a renewal date of April 30, 2020 is extended until May 12, 2020.

B. Insurance producers and adjusters shall complete all continuing education requirements and submit a renewal application and payment on or before 11:59 p.m. on May 12, 2020.

C. Renewals submitted in compliance with Emergency Rule 44 shall not be subject to a late fee.

D. Subsequent renewals will return to the last date of the birth month of the individual for the renewal period following this extension.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4409. Licenses to Remain Valid

A. During the extended renewal period, the insurance producer's and adjuster's licenses subject to this emergency rule shall remain valid unless surrendered, suspended or revoked.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29,

Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4411. Effective Date

A. Emergency Rule 44 shall become effective at 12:01 a.m. on April 17, 2020 and shall continue in full force and effect until expiration on the earlier of 11:59 p.m. on May 12, 2020 or 11:59 p.m. on the date the governor of Louisiana lifts the state of emergency presently in effect, inclusive of any renewal thereof.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

§4413. Severability

A. If any section or provision of Emergency Rule 44 or its application to any person or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Emergency Rule 44 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 Emergency Rule 44 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with Proclamation No. JBE 2020-25, Proclamation No. JBE 2020-29, Proclamation No. JBE 2020-33, Proclamation No. JBE 2020-37, Proclamation No. JBE 2020-41, R.S. 22:2, and R.S. 22:11.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 46:

James J. Donelon
Commissioner