

**OFFICE OF THE STATE REGISTER INSERTION ORDER** (eff.08/02)  
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(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

☐ EMERGENCY RULE ☒ NOTICE OF INTENT ☐ RULE ☐ POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) June, 20 21 *Louisiana Register* the document indicated above.

Office of the Commissioner

Office/Board/Commission promulgating this document

James J. Donelon Commissioner

(name) (title)  
Name and title of person whose signature will appear in the publication (at the end of the document)

Louisiana Department of Insurance

Department under which office/board/commission is classified

Lisa L. Henson (225) 219-7851 (225)342-1

(name) (phone) (fax)  
Name, phone number, and FAX number of person to contact regarding this document

lisa.henson@ldi.la.gov

E-mail address of contact person

Rule 12—Transmission of Forms and I

Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

**Important:** If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, **AND** if the rule text in the ER is identical to the rule text in the NOI, check here: ☐

NOI to Amend Rule 12

File name

Signature of Agency Head or Designee

Chief Deputy Commissioner

Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # \_\_\_\_\_

**ISIS AGENCY:** I certify the availability of fiscal year \_\_\_\_\_ appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

AGENCY ORGANIZATION # OBJECT SUB-OBJECT REPORTING CATEGORY

☒ **NON-ISIS AGENCY:** I certify the availability of fiscal year 2021 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

La Dept of Insurance  
Agency Name  
Christopher Bahm  
Agency Contact Person for Billing  
Christopher Bahm  
Agency E-Mail Address for Billing  
@ldi.la.gov

Carshay Crockett 342-5363

Signature of Agency Head or Designee - Phone #

Lines/Other Charges \_\_\_\_\_ Typesetting \$ \_\_\_\_\_ TOTAL \$ \_\_\_\_\_



## LOUISIANA DEPARTMENT OF INSURANCE

JAMES J. DONELON  
COMMISSIONER

June 9, 2021

The Honorable Patrick Page Cortez  
President, Louisiana State Senate  
P.O. Box 94183  
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION  
[apa.senatepresident@legis.la.gov](mailto:apa.senatepresident@legis.la.gov)

The Honorable Clay Schexnayder  
Speaker, Louisiana House of Representatives  
P.O. Box 94062  
Baton Rouge, LA 70804

ELECTRONIC TRANSMISSION  
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ELECTRONIC TRANSMISSION  
[apa.h-ins@legis.la.gov](mailto:apa.h-ins@legis.la.gov)

RE: Notice of Intent to Amend Rule 12—Transmission of Forms and Documents

Dear President Cortez, Speaker Schexnayder, Senator Talbot, and Representative Brown:

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., gives notice of its intent to amend Rule 12—Transmission of Forms and Documents. The Department of Insurance is amending Rule 12 to expand the methods that insurers or regulated entities may utilize for delivery of documents to the Department of Insurance. Specifically, Rule 12 is being amended to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

If you have any questions or need any clarification, please contact Lisa L. Henson, Staff Attorney with the Louisiana Department of Insurance who assisted the Commissioner in the preparation of the amendment of Rule 12. Ms. Henson can be reached at (225) 219-7851, or electronically at [lisa.henson@ldi.la.gov](mailto:lisa.henson@ldi.la.gov).

Sincerely,-



Lisa L. Henson  
Staff Attorney  
Louisiana Department of Insurance

Enclosure: Notice of Intent to Amend Rule 12—Transmission of Forms and Documents

NOTICE OF INTENT

Department of Insurance  
Office of the Commissioner

Rule 12—Transmission of Forms and Documents  
(LAC 37:XI.Chapter 9)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and specifically R.S. 22:11, the Department of Insurance hereby gives notice of its intent to amend Rule 12—Transmission of Forms and Documents. The Department of Insurance is amending Rule 12 to expand the methods that insurers or regulated entities may utilize for delivery of documents to the Department of Insurance. Specifically, Rule 12 is being amended to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

Title 37  
INSURANCE  
Part XI. Rules

Chapter 9. Rule Number 12—Transmission of Forms and Documents

§901. Transmission of Forms and Documents Filed with the Department of Insurance

A. All forms, documents, applications, filings, financial reports, and any and all other forms and types of documents required by law or voluntarily filed with the commissioner by any insurer or entity regulated by the commissioner shall be filed by depositing the same in the United States mail, postage prepaid, and/or with a private or commercial interstate carrier, and/or via electronic transmission. Payment of fees, including license fees, and premium taxes shall be exempt from this Rule.

B. No document of any sort or kind described in §901.A will be accepted or received by the personnel of the department as having been filed with the department unless the same is transmitted to the department via the United States mail, a private or commercial interstate carrier, and/or electronic transmission.

C. The department shall retain the envelope or other evidence of submission method attached to the document.

D.1. Transmission of documents by private courier service without interstate service or by hand delivery is permissible as long as the documents are:

a. subsequently mailed in the United States Postal Service or delivered to a private or commercial interstate carrier for shipping and received by the department on or before the twentieth day after receipt of the private courier delivery, or hand delivery; or

b. \* \* \*

2. A document received in accordance with §901 shall be deemed received on the date of the department's receipt of the original private courier delivery without interstate service or hand delivery. Any departmental decision shall be based on the date of the initial private courier delivery or hand delivery, and any stamp of approval shall be affixed to those documents.

E. \* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 17:1210 (December 1991), amended LR 18:620 (June 1992), amended by the Department of Insurance, Office of the Commissioner, LR 29:41 (January 2003), amended LR 45:63 (January 2019), LR \_\_\_\_\_ (\_\_\_\_\_ 2021).

§903. Definitions

The following terms used in Rule 12 have the meanings set forth below:

*Commissioner*—the Commissioner of the Louisiana Department of Insurance

*Department*—the Louisiana Department of Insurance

*Private or commercial interstate carrier*—any person or entity engaged in the business of accepting documents for transportation and delivery between one State, Territory, Possession, or the District of Columbia and another State, Territory, Possession, or the District of Columbia.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR \_\_\_\_\_ (\_\_\_\_\_ 2021).

### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

### **Public Comments**

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., July 20, 2021.

James J. Donelon  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Rule 12—Transmission of Forms and Documents**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The rule revisions amend Rule 12 to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions amend Rule 12 to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will not affect competition or employment.



**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

Person Preparing Statement: <u>Anita R. Robert</u>	Department: <u>Louisiana Department of Insurance</u>
Phone: <u>(225) 219-0609</u>	Office: <u>Management &amp; Finance</u>
Return Address: <u>P. O. Box 94214</u> <u>Baton Rouge, LA</u> <u>70804-9214</u>	Rule Title: <u>Transmission of Forms and Documents</u>
	Effective Date: <u>Upon Publication</u>

**SUMMARY**

(Use Complete Sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)**

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes amend Regulation 12 to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS. (Summary)**

The proposed rule changes will have no impact on state or local governmental revenues.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS. (Summary)**

The proposed rule changes will not result in any costs to directly affected persons or non-governmental groups. The revisions will allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT. (Summary)**

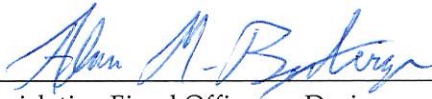
The proposed rule changes will have no impact upon competition and employment in the state.



Denise Gardner, Chief of Staff  
La. Department of Insurance

5/7/2021

Date of Signature



Legislative Fiscal Officer or Designee

5/7/21

Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriated legislative oversight subcommittee in its deliberations on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of the current and proposed rules with amended portions indicated).

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule changes amend Regulation 12 to allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

- B. Summarize the circumstances which require this action. If the action is required by federal regulations, attach a copy of the applicable regulation.

The Louisiana Department of Insurance (LDI) is tasked with administering the Insurance Code, which regulates the business of insurance in all of its phases. The proposed rule change allows for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session:

- (1) Will the proposed rule change result in any increase in expenditure of funds? If so, specify the amount and source of funding.

No increase in expenditure of funds is anticipated as a result of the proposed rule changes.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

\_\_\_\_\_ Yes. If yes, provide documentation.

\_\_\_\_\_ No. If no, provide justification as to why this rule change should be published at this time



FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM ACTION PROPOSED.

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

LDI does not anticipate any implementation costs (savings) as a result the proposed rule changes.

COSTS	FY 21	FY 22	FY 23
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)			

2. Provide a narrative explanation of the costs or savings shown in "A.1" above, including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

The proposed rule changes will have no impact on state or local governmental revenues.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 21	FY 22	FY 23
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (SPECIFY)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

No additional funding is necessary as a result of the proposed rule changes.

B. COSTS OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

There is no impact on local governmental units as a result of the proposed rule changes.

2. Indicate the sources of funding of local governmental unit(s) which will be affected by these cost or savings.

Not applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT  
WORKSHEET  
(Continued)

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule changes will have no impact on state or local governmental revenues.

REVENUE INCREASE/DECREASE	FY 21	FY 22	FY 23
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

\*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A".  
Describe all data, assumptions and methods used in calculating these increases or decreases.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS

A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.) they may have to incur as a result of the proposed action.

The proposed rule changes will not result in any costs to directly affected persons or non-governmental groups. The revisions will allow for the use of private or commercial interstate carriers as an acceptable method for delivery of documents to the Louisiana Department of Insurance.

B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule change is not anticipated to impact on receipts or income of directly affected persons, small businesses, or non-governmental groups.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule change will have no impact upon competition and employment in the state.