

2019 Regular Session

SENATE BILL NO. 74

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURERS. Provides relative to the use of assumed names by insurance producers.
(1/1/2020)

1 AN ACT

2 To amend and reenact R.S. 22:1552, relative to the use of assumed names by insurance
3 producers; to require registration with the secretary of state; to provide for written
4 notification to the commissioner; to provide for an effective date; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1552 is hereby amended and reenacted to read as follows:

8 §1552. Assumed names

9 A. An insurance producer doing business under any name other than the
10 producer's legal name is ~~required to~~ **shall register the name with the secretary of**
11 **state in compliance with R.S. 51:214 and prior to using the assumed name, shall**
12 ~~notify the commissioner of insurance prior to using the assumed name. Prior to the~~
13 ~~use of or changes to any trade name or names, an insurance producer shall provide~~
14 ~~written notification of such use or change to the commissioner, in writing on a form~~
15 ~~prescribed by the commissioner. A copy of the letter certificate of registration from~~
16 ~~the secretary of state shall accompany the application for a trade name written~~
17 **notification form.**

1 B. The use by any insurance producer of a ~~nonapproved trade~~ name **in**
 2 **violation of this Section** shall subject such person to a fine not exceeding two
 3 hundred fifty dollars. Additionally, if the insurance producer continues to ~~utilize~~**use**
 4 a ~~nonapproved trade~~ name for ten or more days after being notified by the
 5 commissioner to ~~cease using the nonapproved trade name,~~ **of being in violation of**
 6 **this Section,** the insurance producer ~~will~~ **shall** be subject to an additional fine not to
 7 exceed five thousand dollars. ~~If applicable, an~~ **An** insurance producer ~~must~~ **shall**
 8 comply with the provisions of R.S. 51:281 et seq., **if applicable.**
 9 Section 2. This Act shall become effective on January 1, 2020.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 74 Original

2019 Regular Session

Long

Present law requires an insurance producer doing business under any name other than the producer's legal name to notify the commissioner prior to using the assumed name. Requires an insurance producer to provide written notification of the use of or change to any trade name or names to the commissioner prior to the use or change. Requires a letter of registration from the secretary of state to accompany the application for a trade name.

Proposed law requires an insurance producer doing business under any name other than the producer's legal name to register with the secretary of state pursuant to present law.

Present law requires the producer, prior to using the assumed name, to notify the commissioner in writing on a form prescribed by the commissioner. Requires a copy of the letter of registration from the secretary of state to accompany the notification form.

Present law provides for fines and penalties.

Proposed law retains present law.

Effective January 1, 2020.

(Amends R.S. 22:1552)