

17:16A-15 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 17:16A-15 et al (Dept. of Insurance — increase certain fees)

LAWS OF: 1983

CHAPTER: 532

Bill No: A3570

Sponsor(s): Weidel and Janiszewski

Date Introduced: May 26, 1983

Committee: **Assembly:** Revenue, Finance and Appropriations

Senate: Labor, Industry and Professions

Amended during passage: Yes Amendments during passage denoted by asterisks

Date of Passage: **Assembly:** September 15, 1983

Senate: January 9, 1984

Date of Approval: January 17, 1984

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: **Assembly** Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

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ASSEMBLY, No. 3570

STATE OF NEW JERSEY

INTRODUCED MAY 26, 1983

By Assemblymen WEIDEL and JANISZEWSKI

AN ACT increasing certain fees collected by the Department of Insurance, amending P. L. 1938, c. 322, P. L. 1960, c. 32, P. L. 1975, c. 106, N. J. S. 17B:22-23 and R. S. 45:15-15 and supplementing Titles 17 and 45 of the Revised Statutes and Title 17B of the New Jersey Statutes.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 15 of P. L. 1938, c. 322 (C. 17:16A-15) is amended to
2 read as follows:

3 15. Fees. The commissioner shall charge and collect for his
4 services under the provisions of this chapter and pay into the
5 State Treasury the following fees: for issue of certificate of au-
6 thority annually, \$250.00; for filing the certified copy of the charter,
7 deed of settlement or certificate of organization of an investment
8 company, \$20.00; for filing each annual statement of each invest-
9 ment company, \$20.00; for each certificate of authority to an agent
10 of an investment company of another State, **[\$10.00]** *\$50.00*; for
11 each certificate of the condition or qualification of an investment
12 company, \$1.00; for each copy of any paper filed in the department,
13 \$0.20 a sheet or folio of 100 words and \$1.00 for certification; for
14 services in connection with deposits of securities by investment
15 companies, the depositing company shall pay to the commissioner
16 an annual fee of \$15.00 on January 1 of each year, and on each
17 substitution of securities and clipping and forwarding of interest
18 coupons an additional fee of \$25.00; and all other fees and charges

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendment adopted December 8, 1983.

19 due and payable into the State Treasury for any official or service
20 of the commissioner.

1 2. Section 21 of P. L. 1960, c. 32 (C. 17:22-6.55) is amended to
2 read as follows:

3 21. Any resident New Jersey licensed insurance broker who is
4 determined by the commissioner to have had sufficient experience
5 in the insurance business to be competent for the purpose, may be
6 licensed as a surplus lines agent, upon taking and successfully
7 passing a written examination as to surplus lines, as given by the
8 commissioner. Any New Jersey copartnership or corporation
9 licensed as an insurance broker may become licensed as a surplus
10 lines agent provided all members of the copartnership or all the
11 officers of the corporation, as the case may be, who are actively
12 engaged in the surplus lines business of the copartnership or cor-
13 poration possess the requisite experience and successfully pass the
14 written examination above set forth. The commissioner shall issue
15 a certificate of eligibility to all such members and officers possess-
16 ing the requisite experience and successfully passing the written
17 examination.

18 The examination requirements set forth in *the first* paragraph
19 **[1]** of this section shall not be required in the case of an individual,
20 copartnership or corporation holding a New Jersey surplus lines
21 broker's license on the effective date of this act.

22 Initial and renewal applications for the said licenses and certifi-
23 cates shall be made to the commissioner on forms as designated and
24 furnished by him.

25 Such licenses and certificates shall expire at midnight on the
26 October 31 next following date of issuance, and shall be renewable
27 upon written request therefor filed with the commissioner and ac-
28 companied by payment of the license fee, prior to expiration.

29 The following fees shall be paid in advance:

- 30 (a) Surplus lines agent's annual license fee . . . **[\$100.00]** \$200.00
- 31 (b) Annual certificate of eligibility **[10.00]** 50.00
- 32 (c) Examination fee 10.00

33 All applicants and licensees must file and maintain the bond re-
34 quired under section 22 of this act.

1 3. Section 30 of P. L. 1975, c. 106 (C. 17:46B-30) is amended to
2 read as follows:

3 30. Title insurance agents; names to be certified to commissioner;
4 application and examination for a license.

5 a. Every title insurance company authorized to transact business
6 within this State shall certify annually to the commissioner the
7 names of all title insurance agents representing it in this State.

8 No person shall function as a title insurance agent and no title
9 insurance company shall authorize any person to function as its
10 agent unless such person shall hold a valid title insurance agent's
11 license as provided herein.

12 b. Title insurance agents shall be licensed in the manner provided
13 for agents of insurance companies in section 6 of P. L. 1944, c. 175
14 (C. 17:22-6.6); provided, however, that:

15 (1) All applicants for a title insurance agent's license, except
16 attorneys licensed to practice law in this State, shall be required
17 to qualify for such license by taking an examination of sufficient
18 scope to satisfy the commissioner that the applicant has sufficient
19 knowledge of, and is reasonably familiar with, the title insurance
20 laws of this State and with the provisions, terms and conditions of
21 title insurance, including a knowledge of the examination and
22 evaluation of titles, and has an adequate understanding of the
23 duties and obligations of a title insurance agent.

24 (2) If the applicant for a title insurance agent's license is a firm,
25 association, partnership, corporation, cooperative or joint stock
26 company, the application for a license shall name all members or
27 officers thereof who intend to exercise the power and perform the
28 duties of title insurance agents, and no such license shall be issued
29 unless the members or officers so named in the application hold
30 individual licenses as provided by this act; provided, however,
31 those employees performing only clerical functions not requiring
32 the knowledge and understanding of title insurance agents shall
33 not be required to obtain such a license.

34 (3) Any applicant for a title insurance agent's license who has
35 had at least two years experience as a title insurance agent, prior
36 to the effective date of this act, shall not be required to take an
37 examination for such license if application for the issuance of such
38 license is filed with the commissioner within a period of six months
39 immediately following the effective date of this act.

40 (4) Applicants for a title insurance agent's license shall not be
41 required to comply with the educational program requirements set
42 forth in P. L. 1944, c. 175 (C. 17:22-6.6), as amended, unless and
43 until the commissioner of insurance shall, by regulation, make said
44 requirements applicable to applicants for a title insurance agent's
45 license.

46 c. Licenses of title insurance agents shall expire biennially at
47 midnight of June 30 unless sooner terminated as a result of business
48 relations between the company and the agent, or unless revoked
49 by the commissioner.

50 d. Title insurance agents' licenses shall be renewed biennially
51 on the filing of an application containing such information as the
52 commissioner deems necessary.

53 e. (1) At the time of application for a title insurance agent's
54 license and for every renewal thereof, there shall be paid to the
55 commissioner by each applicant for a license an annual fee of
56 ~~[\$25.00]~~ \$50.00.

57 (2) An examination fee of \$20.00 shall be paid to the commis-
58 sioner at the time of the original application for each examination
59 scheduled, which fee shall be nonrefundable.

60 f. In the event of the death or the inability further to act, of a
61 licensed title insurance agent, where no other agent in the agency,
62 copartnership, association or corporation is authorized to represent
63 such insurance company the commissioner may issue a temporary
64 license to another person enabling such other person to represent
65 any such insurance company, upon the filing of an appropriate
66 application for a title insurance agent's license containing the
67 additional information required by this section. Such temporary
68 license shall continue only until the licensee is afforded an oppor-
69 tunity of taking the examination provided in subsection b. (1)
70 hereof and receiving the results, but not to exceed a period of six
71 months. In the event of the failure of the applicant to qualify for
72 a regular title insurance agent's license as provided in this section,
73 no renewal or extension may be granted to any temporary license
74 held by said applicant.

75 g. No bank, trust company, bank and trust company or other
76 lending institution, mortgage service, mortgage brokerage or
77 mortgage guaranty company or any service company of or for any
78 lending institution or any officer or employee of any of the fore-
79 going shall be licensed as or permitted to act as an agent for a title
80 insurance company. No bank, trust company, bank and trust
81 company, or other lending institution, mortgage service, mortgage
82 brokerage or mortgage guaranty company, or any service company
83 of or for any lending institution shall make the selection of a par-
84 ticular title insurance company or agent a condition precedent to
85 the granting of any mortgage loan.

1 4. N. J. S. 17B:22-23 is amended to read as follows:

2 17B:22-23. a. The following annual license fees shall be paid
3 to the commissioner at the time of the original application and at
4 the time of the biennial renewal thereof:

- 5 (1) Agent's license ~~[\$5.00]~~\$20.00
- 6 (2) Broker's license \$50.00
- 7 (3) Solicitor's license \$50.00

8 b. The following temporary license fees shall be paid to the
9 commissioner at the time of the application:

- 10 (1) Agent's temporary license fee ~~[\$5.00]~~ \$20.00
- 11 (2) Broker's temporary license fee \$50.00

12 Notwithstanding anything in this section to the contrary, an
13 applicant who having paid the above cited temporary license fee
14 and who shall thereafter pass his examination and be properly
15 licensed, such applicant shall not be required to pay any further
16 license fee until the next ensuing annual license renewal date.

17 c. Each application for a license shall be accompanied by a non-
18 refundable application fee of \$20.00.

19 d. If the applicant fails to qualify for, or is refused, a license,
20 the license fee shall be returned. The examination fee shall not
21 be returned for any reason.

22 e. An examination fee shall be paid for each examination and
23 reexamination permitted pursuant to this chapter. One examina-
24 tion fee shall entitle the applicant to take an examination for life
25 insurance, health insurance or annuity or any combination thereof.

1 5. R. S. 45:15-15 is amended to read as follows:

2 45:15-15. The annual fee for each real estate broker's license
3 shall be ~~[\$30.00]~~ \$50.00, and the annual fee for each real estate
4 salesman's license shall be ~~[\$15.00]~~ \$25.00. The annual fee for a
5 branch office license shall be \$10.00. Each license granted under
6 this article shall entitle the licensee to perform all of the acts con-
7 templated herein during the period for which the license is issued,
8 as prescribed by this article. If a licensee fails to apply for a re-
9 newal of his license prior to the date of expiration of such license,
10 the commission may refuse to issue a renewal license except upon
11 the payment of a late renewal fee in the amount of \$5.00 for a sales-
12 man and \$10.00 for a broker; provided, however, the commission
13 may, in its discretion, refuse to renew any license upon sufficient
14 cause being shown. New licenses may be granted for each ensuing
15 year upon request of licensees and the payment of the annual fee
16 therefor as herein required, but the commission, may, in its discre-
17 tion, refuse to grant any new license upon sufficient cause being
18 shown. The revocation or suspension of a broker's license shall
19 automatically suspend every real estate salesman's license granted
20 to employees of the broker whose license has been revoked or sus-
21 pended, pending a change of employer and the issuance of a new
22 license. The new license shall be issued without additional charge,
23 if the same is granted during the year in which the original license
24 was granted.

1 6. (New section) The commissioner is authorized to collect the
2 balance of any fee due under section 15 of P. L. 1938, c. 322 (C.
3 17:16A-15), section 21 of P. L. 1960, c. 32 (C. 17:22-6.55), or section
4 30 of P. L. 1975, c. 106 (C. 17:46B-30), by virtue of its increase
5 pursuant to this 1983 amendatory and supplementary act, on or
6 after its effective date.

1 7. (New section) The Commissioner of Insurance is authorized
2 to collect the balance of any fee due under R. S. 45:15-15 by virtue
3 of its increase pursuant to this 1983 amendatory and supplementary
4 act, on or after its effective date.

1 8. (New section) The commissioner is authorized to collect the
2 balance of any fee due under N. J. S. 17B:22-23 by virtue of its
3 increase pursuant to this 1983 amendatory and supplementary act,
4 on or after its effective date.

1 9. This act shall take effect immediately and shall be retroactive
2 to May 1, 1983*, *but shall remain inoperative until the enactment of*
3 *Assembly Bill No. 3571 of 1983**.

1 6. (New section) The commissioner is authorized to collect the
2 balance of any fee due under section 15 of P. L. 1938, c. 322 (C.
3 17:16A-15), section 21 of P. L. 1960, c. 32 (C. 17:22-6.55), or section
4 30 of P. L. 1975, c. 106 (C. 17:46B-30), by virtue of its increase
5 pursuant to this 1983 amendatory and supplementary act, on or
6 after its effective date.

1 7. (New section) The Commissioner of Insurance is authorized
2 to collect the balance of any fee due under R. S. 45:15-15 by virtue
3 of its increase pursuant to this 1983 amendatory and supplementary
4 act, on or after its effective date.

1 8. (New section) The commissioner is authorized to collect the
2 balance of any fee due under N. J. S. 17B:22-23 by virtue of its
3 increase pursuant to this 1983 amendatory and supplementary act,
4 on or after its effective date.

1 9. This act shall take effect immediately and shall be retroactive
2 to May 1, 1983.

STATEMENT

This bill would increase license fees for life and health, property and casualty, surplus lines, and title insurance agents, foreign investment company agents, and real estate brokers and sales persons. The increased revenue which would be realized by the enactment of this bill would be over \$4.2 million biannually.

A3570(1983)

ASSEMBLY REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3570

STATE OF NEW JERSEY

DATED: JUNE 27, 1983

This bill would increase license fees for life and health, property and casualty, surplus lines, and title insurance agents, foreign investment company agents, and real estate brokers and sales persons.

Increased revenue would be realized in the appropriate sum of \$4.0 million.

SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3570

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 8, 1983

This bill increases license fees for life and health, surplus lines, and title insurance agents, foreign investment company agents, and real estate brokers and sales persons.

The fee increases in the bill are retroactive to May 1, 1983.