



To: All Louisiana Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: October 28, 2020
Bulletin No.: LA 2020-15
Subject: DOI Advisory Letter 2020-04

The Louisiana Department of Insurance recently issued Advisory Letter 2020-04 to provide guidance and instructions regarding the implementation of Act 310 (SB 180) of the 2020 Regular Session of the Louisiana Legislature, the so-called 'brick and mortar' law for title insurance producers.

The DOI's interpretation of the law, unless changed, will significantly impact currently-licensed non-resident individual and agency title insurance producers, despite the lack of legislative expression as to the retroactive application of the act. Below is a summary of the DOI's compliance requirements.

Resident Individual Producers:

No additional information is required.

Resident Agency Producers:

The designated responsible (individual) producer of a licensed resident agency producer must complete and submit the DOI's Affidavit of Resident Title Agency Producer, certifying the agency's principal place of business within the state and that neither the agency nor the responsible producer has ever had an insurance producer license suspended, revoked or denied by any jurisdiction. The letter does not specify when the Affidavit must be submitted to the DOI. Unless or until the DOI clarifies, we would suggest that it be filed no later than December 31, 2020.

Non-resident Individual Producers:

A non-resident individual licensee must be a full-time employee of a resident agency producer as of January 1, 2021. The non-resident individual producer and a representative of the employing resident agency producer must complete and submit the DOI's Affidavit of Non-Resident Title Producer. Again, the letter does not specify when the Affidavit must be submitted, but presumably on or before December 31, 2020. The employing resident agency employer must also submit its affiliation electronically through the DOI's Industry Access System no later than December 31, 2020.

Non-resident Agency Producers:

The non-resident agency must maintain a principal place of business in Louisiana that is suitable for conducting closings and the business of title insurance, and employ a licensed resident individual

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producer as its designated responsible producer for ensuring compliance with the law. That designated responsible producer must complete and submit no later than December 31, 2020, the DOI's Affidavit of Non-Resident Title Agency Producer, certifying the agency's principal place of business within the state and that neither the agency nor the responsible producer has ever had an insurance producer license suspended, revoked or denied by any jurisdiction. The non-resident agency must also submit the affiliation of the resident designated responsible producer electronically through the DOI's Industry Access System no later than December 31, 2020.

The Letter plainly states that failure to comply with the DOI's guidance as of January 1, 2021, will result in the cancellation of the non-resident individual or agency producer's license. [The Advisory Letter and Affidavits are attached.](#)

We will continue to monitor and review the guidance from the DOI. It is our understanding that issues raised by the industry will be reviewed by Commissioner Donelon, and we will update this bulletin accordingly. But we strongly urge all licensed producers, particularly non-residents, to review the act and the guidance with your compliance counsel.

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