

~~CHAPTER 36~~
~~FRATERNAL BENEFIT SOCIETIES~~

~~Section 1. Authority and Purpose~~

~~This regulation is promulgated pursuant to the authority granted under the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115) and is for the purpose of establishing standards for the trustworthiness and competence which are prerequisites to the granting or renewal of a fraternal agent's license.~~

~~Section 2. Certificate~~

~~FRATERNAL CERTIFICATE~~

The undersigned _____, _____, of _____, _____, of _____, a fraternal benefit society licensed in the State of Wyoming (Society) (hereinafter called the "Society"), for the purpose of securing a license for _____, whose residence is _____, _____, in _____, (hereinafter called the "Applicant"), to act as agent for the Society, does hereby certify that the Society is satisfied that the Applicant is trustworthy and competent to act as an insurance agent.

~~I have attached hereto and made a part of this certificate a true, good and sufficient documentary evidence of the Applicant's attainments in academic or special training schools, including but not restricted to fraternal benefit society or other insurer sponsored programs and the designations of Chartered Life Underwriters (CLU) or Fraternal Insurance Counsellor (FIC), and copies of licenses or permits or equivalent certifications showing Applicant's actual experience.~~

~~In addition, I hereby attach to and make part of this certificate a credit and investigation report from a recognized and established independent investigation and reporting agency. In lieu thereof, I attach hereto three (3) current credit references from financial or business institutions with whom the Applicant has done business as a customer or client for a period of at least one year each.~~

For the Society:

(Seal of Society)

 (Title)

State of _____) In the Sovereignty of _____)
) ss _____)

County of _____) Territory of Province of _____) ss

Chapter 62

Regulation Governing Use of Senior-Specific Certifications and Professional Designations

Section 1. Purpose

The purpose of this regulation is to set forth standards to protect consumers from untrue, deceptive, misleading, dishonest or untrustworthy marketing practices with respect to the use of senior-specific certifications and professional designations in the solicitation, sale or purchase of, or advice made in connection with, an annuity, accident and health, or life insurance product by declaring certain practices to be untrue, deceptive, misleading, dishonest and untrustworthy under Chapter 9, Article 2, and Chapter 13, Article 1, of the Wyoming Insurance Code.

Section 2. Scope

This regulation shall apply to any solicitation, sale or purchase of, or advice made in connection with, an annuity, accident and health, or life insurance product by an insurance producer or consultant.

Section 3. Authority

(a) This regulation is issued under the authority of Wyo. Stat. §§ 26-2-110 and 26-9-217, and pursuant to the Wyoming Administrative Procedure Act, Wyo. Stat. § 16-3-101, *et seq.*

Section 4. Prohibited Uses of Senior-Specific Certifications and Professional Designations

(a) An insurance producer or consultant may not use a senior-specific certification or professional designation that indicates or implies in such a way as to mislead a purchaser or prospective purchaser that the insurance producer or consultant has special certification or training in advising or servicing seniors in connection with the solicitation, sale or purchase of an annuity, accident and health, or life insurance product, or in the provision of advice as to the value of or the advisability of purchasing or selling an annuity, accident and health, or life insurance product, either directly or indirectly through publications or writings, or by issuing or promulgating analyses or reports related to an annuity, accident and health, or life insurance product.

(b) The prohibited use of senior-specific certifications or professional designations is an untrue, deceptive, misleading, dishonest, or untrustworthy act or practice and includes, but is not limited to, the following:

(i) Use of a certification or professional designation by an insurance producer who has not actually earned or is otherwise ineligible to use such certification or designation;

(ii) Use of a nonexistent or self-conferred certification or professional designation;

(iii) Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training or experience that the insurance producer using the certification or designation does not have; and

(iv) Use of a certification or professional designation that was obtained from a certifying or designating organization that:

(A) Is primarily engaged in the business of instruction in sales or marketing;

(B) Does not have reasonable standards or procedures for assuring the competency of its certificants or designees;

(C) Does not have reasonable standards or procedures for monitoring and disciplining its certificants or designees for improper or unethical conduct; or

(D) Does not have reasonable continuing education requirements for its certificants or designees in order to maintain the certificate or designation.

(c) There is a rebuttable presumption that a certifying or designating organization is not disqualified solely for purposes of subsection (b)(iv) when the certification or designation issued from the organization does not primarily apply to sales or marketing and when the organization or the certification or designation in question has been accredited by:

(i) The American National Standards Institute (ANSI);

(ii) The National Commission for Certifying Agencies; or

(iii) Any organization that is on the U.S. Department of Education's list entitled "Accrediting Agencies Recognized for Title IV Purposes."

(d) In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or servicing seniors, factors to be considered shall include:

(i) Use of one or more words such as "senior," "retirement," "elder," or like words combined with one or more words such as "certified," "registered," "chartered," "advisor," "specialist," "consultant," "planner," or like words, in the name of the certification or professional designation; and

(ii) The manner in which those words are combined.

(e) For purposes of this regulation, a job title within an organization that is licensed or registered by a state or federal financial services regulatory agency is not a certification or professional designation, unless it is used in a manner that would confuse or mislead a reasonable consumer, when the job title:

(i) Indicates seniority or standing within the organization; or

(ii) Specifies an individual's area of specialization within the organization.

(f) For purposes of subsection (e), financial services regulatory agency includes, but is not limited to, an agency that regulates insurers, insurance producers, broker-dealers, investment advisers, or investment companies as defined under the Investment Company Act of 1940.

Section 5. Severability

If any provision of this regulation or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the regulation and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date

This regulation shall be effective immediately upon filing with the Secretary of State.

~~CHAPTER 36
FRATERNAL BENEFIT SOCIETIES~~

~~Section 1. Authority and Purpose~~

~~This regulation is promulgated pursuant to the authority granted under the Wyoming Administrative Procedure Act (W.S. 16-3-101 through 16-3-115) and is for the purpose of establishing standards for the trustworthiness and competence which are prerequisites to the granting or renewal of a fraternal agent's license.~~

~~Section 2. Certificate~~

~~FRATERNAL CERTIFICATE~~

~~The undersigned _____, _____, of
(Name) _____ (Title)
_____, a fraternal benefit society licensed in the State of Wyoming
(Society)
(hereinafter called the "Society"), for the purpose of securing a license for
_____, whose residence is _____,
(Name) _____ (Street) _____ (City)
in _____, (hereinafter called the "Applicant"), to act as agent
(State, Territory or Sovereignty)
for the Society, does hereby certify that the Society is satisfied that the Applicant is trustworthy
and competent to act as an insurance agent.~~

~~I have attached hereto and made a part of this certificate a true, good and sufficient documentary evidence of the Applicant's attainments in academic or special training schools, including but not restricted to fraternal benefit society or other insurer sponsored programs and the designations of Chartered Life Underwriters (CLU) or Fraternal Insurance Counsellor (FIC), and copies of licenses or permits or equivalent certifications showing Applicant's actual experience.~~

~~In addition, I hereby attach to and make part of this certificate a credit and investigation report from a recognized and established independent investigation and reporting agency. In lieu thereof, I attach hereto three (3) current credit references from financial or business institutions with whom the Applicant has done business as a customer or client for a period of at least one year each.~~

For the Society:

(Seal of Society)

(Title)

State of _____) In the Sovereignty of _____)

) ss _____)

County of _____) Territory of Province of _____) ss

Judicial District of _____)
_____)

The foregoing was acknowledged before me this ____ day of _____, 19__.

(Title of person authorized
to acknowledge certificate)

~~Section 3.~~ **Effective Date**

~~This regulation becomes effective immediately upon filing with the Secretary of State.~~

Judicial District of _____)
_____)

The foregoing was acknowledged before me this ____ day of _____, 19__.

(Title of person authorized
to acknowledge certificate)

~~Section 3.~~ **Effective Date**

~~This regulation becomes effective immediately upon filing with the Secretary of State.~~