

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. _____

Department of insurance - licensure revisions.

Sponsored by: Joint Corporations, Elections and Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to insurance; providing for notification to
2 the insurance commissioner by licensees using assumed
3 names; amending various licensing fees; providing for
4 reinstatement penalty for failure to report continuing
5 education; providing for licensing of rental car agents
6 renting motorcycles; expanding licensing exemption for
7 persons selling travel insurance; eliminating licensing of
8 insurance marketers and service representatives; providing
9 for home state designation by adjusters residing in states
10 without licensure requirements; providing for adjuster
11 continuing education requirements to be met in the
12 adjuster's home state; and providing for an effective date.
13

1 *Be It Enacted by the Legislature of the State of Wyoming:*

2

3 **Section 1.** W.S. 26-9-233 is created to read:

4

5 **26-9-233. Assumed names.**

6

7 An insurance producer doing business under any name other
8 than the producer's legal name is required to notify the
9 insurance commissioner prior to using the assumed name.

10

11 **Section 2.** W.S. 26-1-102(a)(xx), 26-3-130(b)(i)
12 26-4-101(a)(v)(B), (xii), 26-9-201, 26-9-202(a)(vi),
13 26-9-207(b) and (c), 26-9-209(c), 26-9-219 by creating new
14 subsections (d) and (e), 26-9-231(a), (f), 26-47-103(g)(i)
15 and 26-50-102(a)(iii) are amended to read:

16

17 **26-1-102. Definitions.**

18

19 (a) As used in this act:

20

21 (xx) Except as used in chapter 31 of this code,
22 "person" means an individual, insurer, company,
23 association, organization, Lloyd's insurer, society,

1 reciprocal insurer or interinsurance exchange, partnership,
2 syndicate, business trust, corporation, agent, general
3 agent, broker, ~~service representative,~~ adjuster and any
4 legal entity;

5

6 **26-3-130. Retaliatory provisions against other states**
7 **and countries.**

8

9 (b) This section does not apply to:

10

11 (i) Application fees, examination fees, license
12 fees, appointment fees and continuation fees for agents,
13 adjusters, ~~service representatives~~ or consultants; or

14

15 **26-4-101. Fee schedule.**

16

17 (a) The commissioner shall collect in advance or
18 contemporaneously fees, licenses and miscellaneous charges
19 as specified in this subsection. Collection may include the
20 acceptance of electronic funds transfer. All fees and other
21 charges collected by the commissioner as specified in this
22 subsection shall be nonrefundable:

23

1 (v) Agents:

2

3 (B) Life, accident and health or sickness
4 or disability, variable life and variable annuities or
5 credit insurance:

6

7 (viii) Surplus line brokers:

8

9 Application for original license, and issuance of
10 license, if issued.....\$100.00

11

12 Continuation of license:

13 Resident\$100.00

14 Nonresident\$150.00

15

16 (ix) Adjusters:

17

18 Application for original license, and issuance of
19 license, if issued.....\$100.00

20

21 Continuation of license:

22 Resident\$100.00

23 Nonresident\$150.00

1

2

(xi) Service representative:

3

4

Application for original license, and issuance,

5

if issued.....\$100.00

6

7

Continuation of license:

8

Resident.....\$100.00

9

Nonresident.....\$150.00

10

11

(xii) Insurance consultant for hire:

12

~~Application for original license.....\$ 20.00~~

13

Application for original license, and issuance,

14

if issued.....\$100.00

15

Continuation of license:

16

Resident.....\$100.00

17

Nonresident.....\$150.00

18

19

26-9-201. Purpose and scope.

20

21

This chapter governs the qualifications and procedures for

22

the licensing of insurance producers. This chapter does

23

not apply to excess and surplus lines brokers licensed

1 pursuant to W.S. 26-11-112 except as provided in W.S.
2 ~~26-9-207(h)~~ 26-9-207(b), 26-9-207(c) and 26-9-208 or as
3 expressly provided in chapter 11 of this code.

4

5 **26-9-202. Definitions.**

6

7 (a) As used in this chapter:

8

9 (vi) "Limited lines insurance" means those lines
10 of insurance referred to in W.S. 26-9-209(c), 26-9-221,
11 ~~26-29-233,~~ 26-32-101, 26-36-113, 26-37-102(a)(iv), 26-50-
12 103 or 31-14-120 or any other line of insurance the
13 commissioner deems necessary to recognize for the purposes
14 of complying with W.S. 26-9-208(e);

15

16 **26-9-207. License.**

17

18 (b) An individual insurance producer, adjuster or
19 surplus lines broker license shall remain in effect unless
20 revoked or suspended as long as on or before the last day
21 of the month of the licensee's birthday in the second year
22 following the issuance or renewal of the license the
23 continuation fee set forth in W.S. 26-4-101(a) is paid, the

1 continuing education requirements ~~for resident individual~~
2 ~~producers~~ are met by the due date and a written request for
3 continuation of the license is made to the commissioner on
4 forms prescribed by the commissioner.

5
6 (c) An individual insurance producer, adjuster or
7 surplus lines broker who allows his license to lapse may,
8 within twelve (12) months from the due date of the
9 continuation fee, reinstate the same license without the
10 necessity of passing a written examination. However, a
11 penalty equal to the amount of the ~~unpaid~~ continuation fee
12 shall be required in addition to the ~~unpaid~~ continuation
13 fee for any continuation request received after the due
14 date.

15
16 **26-9-209. Exemption from examination.**

17
18 (c) No examination shall be required of persons
19 ~~representing public carriers who, in the course of that~~
20 ~~representation, who~~ solicit, negotiate or sell insurance
21 ~~incidental to the transportation of persons or to the~~
22 ~~storage or transportation of property~~ coverage for trip
23 cancellation, trip interruption, baggage, life, sickness

1 and accident, disability and personal effects when limited
2 to a specific trip and sold in connection with
3 transportation provided by a common carrier. Persons
4 exempted from examination pursuant to this subsection may
5 be issued a limited insurance representative license by the
6 commissioner upon submission of an application approved by
7 the commissioner and payment of the fee specified in W.S.
8 26-4-101. A license issued under this subsection shall
9 continue in force until expired, suspended, revoked or
10 otherwise terminated, if the applicable continuation fee
11 specified in W.S. 26-4-101 is paid to the commissioner, on
12 or before the last day of the month of the licensee's
13 birthday in the second year following the issuance or
14 renewal of the license. Licensees under this subsection
15 shall be subject to the application requirements
16 established by the commissioner, the provisions of W.S.
17 26-9-211 and chapter 13 of this code but shall not be
18 subject to the other provisions of this code.

19

20 **26-9-219. Adjuster's license; exception;**
21 **notification.**

22

1 (d) If the resident state does not license adjusters
2 for the line of authority being applied for, the adjuster
3 shall designate as his home state any state in which the
4 adjuster is licensed and in good standing.

5
6 (e) For purposes of this section, "home state" means
7 the District of Columbia and any state or territory of the
8 United States in which an adjuster maintains his principal
9 place of residence or business and is licensed to act as a
10 resident adjuster.

11
12 **26-9-231. Continuing education.**

13
14 (a) Resident insurance producers, title agents
15 licensed pursuant to W.S. 26-23-318, ~~service~~
16 ~~representatives,~~ adjusters, nonresident adjusters not
17 exempted under subsection (f) of this section, and other
18 resident persons required to be licensed under this chapter
19 shall complete twenty-four (24) classroom hours of
20 continuing education within each two (2) year licensing
21 period. Of the twenty-four (24) hours at least three (3)
22 shall relate to ethical requirements. The requirements of
23 this section do not apply to nonresident insurance

1 producers, those persons who hold licenses for any kinds of
2 insurance for which an examination is not required, nor
3 shall they apply to any such limited or restricted licenses
4 as the commissioner may exempt.

5
6 (f) Every person subject to this section shall
7 furnish, in a form satisfactory to the commissioner,
8 written certification as to the courses, programs or
9 seminars of instruction taken by that person. The
10 certification shall be executed by or on behalf of the
11 sponsoring organization within a sixty (60) day period
12 following the course, program or seminar. A nonresident
13 adjuster ~~required to complete continuing education in his~~
14 ~~state of domicile~~ having met the continuing education
15 requirements in his home state is exempt from the
16 provisions of this section. A nonresident adjuster
17 ~~domiciled in a state without a continuing education~~
18 ~~requirement~~ not licensed in his home state is subject to
19 the requirements of this section.

20
21 **26-47-103. License required.**

22

1 (g) Any person applying for or holding a reinsurance
2 intermediary license shall:

3
4 (i) Have experience either as an agent,
5 adjuster, managing general agent, broker, ~~service~~
6 ~~representative,~~ consultant or other special experience,
7 education or training, all of sufficient content and
8 duration reasonably necessary for competence in fulfilling
9 the responsibilities of a reinsurance intermediary; and

10
11 **26-50-102. Definitions.**

12
13 (a) As used in this chapter:

14
15 (iii) "Rental car" means any motor vehicle that
16 is intended to be rented or leased for a period of ninety
17 (90) consecutive days or less by a driver who is not
18 required to possess a commercial driver's license to
19 operate the motor vehicle and the motor vehicle is ~~either~~
20 one (1) of the following:

21

1 (A) A private passenger motor vehicle,
2 including a passenger van, minivan or sport utility
3 vehicle; ~~or~~

4

5 (B) A cargo vehicle, including a cargo van,
6 pickup truck or truck with a gross vehicle weight of less
7 than twenty-six thousand (26,000) pounds; ~~or~~

8

9 (C) A motorcycle, as defined in W.S. 31-1-
10 101(a)(xv)(E).

11

12 **Section 3.** W.S. 26-1-102(a)(xxv), 26-4-101(a)(xi),
13 26-9-207(h), (j), 26-9-218 and 26-9-222 are repealed.

14

15 **Section 4.** This act is effective July 1, 2011.

16

17

(END)