HOUSE BILL NO. HB0009

Department of insurance-licensure revisions.

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

A BILL

for

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

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

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

26-9-233. Assumed names.

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

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

26-1-102. Definitions.

(a) As used in this act:

(xx) Except as used in chapter 31 of this code, "person" means an individual, insurer, company, association, organization, Lloyd's insurer, society, reciprocal insurer or interinsurance exchange, partnership, syndicate, business trust, corporation, agent, general agent, broker, ~~service representative,~~ adjuster and any legal entity;

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

(b) This section does not apply to:

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

26-4-101. Fee schedule.

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

(v) Agents:

(B) Life<u>, accident and health or sickness or disability, variable life and variable annuities or credit</u> insurance:

(viii) Surplus line brokers:

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

Continuation of license<u>:</u>

<u>Resident</u> $100.00

<u>Nonresident ....$150.00</u>

(ix) Adjusters:

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

Continuation of license<u>:</u>

<u>Resident</u>..............................$100.00

<u>Nonresident...........................$150.00</u>

(xii) Insurance consultant for hire:

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

Application for original license, and issuance, if issued.......................$100.00

Continuation of license:

Resident.............................$100.00

Nonresident..........................$150.00

26-9-201. Purpose and scope.

This chapter governs the qualifications and procedures for the licensing of insurance producers. This chapter does not apply to excess and surplus lines brokers licensed pursuant to W.S. 26-11-112 except as provided in W.S. ~~26-9-207(h)~~ 26-9-207(b), 26-9-207(c) and 26-9-208 or as expressly provided in chapter 11 of this code.

26-9-202. Definitions.

(a) As used in this chapter:

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

26-9-207. License.

(b) An individual insurance producer, adjuster or surplus lines broker license shall remain in effect unless revoked or suspended as long as on or before the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, the continuing education requirements ~~for resident individual producers~~ are met by the due date and a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner.

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

26-9-209. Exemption from examination.

(c) No examination shall be required of persons ~~representing public carriers who, in the course of that representation,~~ who solicit, negotiate or sell insurance ~~incidental to the transportation of persons or to the storage or transportation of property~~ coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier. Persons exempted from examination pursuant to this subsection may be issued a limited insurance representative license by the commissioner upon submission of an application approved by the commissioner and payment of the fee specified in W.S. 26-4-101. A license issued under this subsection shall continue in force until expired, suspended, revoked or otherwise terminated, if the applicable continuation fee specified in W.S. 26-4-101 is paid to the commissioner, on or before the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license. Licensees under this subsection shall be subject to the application requirements established by the commissioner, the provisions of W.S. 26-9-211 and chapter 13 of this code but shall not be subject to the other provisions of this code.

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

(d) If the resident state does not license adjusters for the line of authority being applied for, the adjuster shall designate his home state, which may be any state in which the adjuster is licensed and in good standing and which state meets licensure requirements similar to the requirements of the state of Wyoming as determined by the commissioner.

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

26-9-231. Continuing education.

(a) Resident insurance producers, title agents licensed pursuant to W.S. 26-23-318, ~~service representatives,~~ adjusters, nonresident adjusters not exempted under subsection (f) of this section, and other resident persons required to be licensed under this chapter shall complete twenty-four (24) classroom hours of continuing education within each two (2) year licensing period. Of the twenty-four (24) hours at least three (3) shall relate to ethical requirements. The requirements of this section do not apply to nonresident insurance producers, those persons who hold licenses for any kinds of insurance for which an examination is not required, nor shall they apply to any such limited or restricted licenses as the commissioner may exempt.

(f) Every person subject to this section shall furnish, in a form satisfactory to the commissioner, written certification as to the courses, programs or seminars of instruction taken by that person. The certification shall be executed by or on behalf of the sponsoring organization within a sixty (60) day period following the course, program or seminar. A nonresident adjuster ~~required to complete continuing education in his~~

~~state of domicile~~ having met the continuing education requirements in his home state is exempt from the provisions of this section. A nonresident adjuster ~~domiciled in a state without a continuing education requirement~~ not licensed in his home state is subject to the requirements of this section.

26-47-103. License required.

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

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

26-50-102. Definitions.

(a) As used in this chapter:

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

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

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

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

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

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

(END)