SENATE BILL NO. 92

INTRODUCED BY BLAYLOCK, PETERSON, MEHRENS, KOLSTAD BY REQUEST OF THE COMMISSIONER OF INSURANCE

IN THE SENATE

| January 12, 1979 | | Introduced and referred to Committee on Business and Industry. |
|------------------|------------|--|
| January 30, 1979 | | Committee recommend bill do pass. Report adopted. |
| January 31, 1979 | | Printed and placed on members' desks. |
| February 1, 1979 | | Second reading, do pass. |
| February 2, 1979 | | Considered correctly engrossed. |
| February 3, 1979 | | Third reading, passed. Transmitted to second house. |
| | IN THE HOU | SE |
| February 5, 1979 | | Introduced and referred to Committee on Business and Industry. |
| March 9, 1979 | | Committee recommend bill be concurred in. Report adopted. |
| March 13, 1979 | | Second reading, concurred in. |
| March 15, 1979 | | Third reading, concurred in. |
| | IN THE SEN | ATE |
| March 16, 1979 | | Returned from second house. Concurred in. Sent to enrolling. |
| | | |

Reported correctly enrolled.

| INTRODUCED BY Blankock Files mehren | |
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| 8 RECOEST OF THE COMMISSIONER OF INSURANCE | - |

A BILL FOR AN ACT ENTITLED: MAN ACT TO REVISE THE LICENSE

FEE SCHEDULE RELATING TO THE INSURANCE INDUSTRY AND TO

REVISE THE TERMINOLOGY FOR RENEWAL LICENSES; AMENDING

SECTIONS 33-2-708, 33-17-218, AND 33-17-231, MCA.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 33-2-708, MCA, is amended to read:
#33-2-708. Fees and licenses. (1) The commissioner
shall collect in advance and the persons so served shall so
pay to the commissioner the following fees and licenses:

- (a) certificates of authority:
- (i) for filing applications for original certificate of authority, articles of incorporation (except as provided in subsection (b), below) and other charter documents, bylaws, financial statement, examination report, power of attorney to the commissioner, and all other documents and filings required in connection with such application and for issuance of an original certificate of authority, if issued:
- 25 (ii) annual continuation of certificate of authority ..

| 1 | 300-00 |
|----|---|
| 2 | (iii) reinstatement of certificate of authority |
| 3 | 25.00 |
| 4 | (b) articles of incorporation: |
| 5 | (i) filing original articles of incorporation of |
| 6 | domestic insurer, exclusive of fees required to be paid by |
| 7 | the corporation to the secretary of state 20.00 |
| 8 | (ii) filing amendment of articles of incorporation→ |
| 9 | domestic and foreign insurers, exclusive of fees required to |
| 10 | be paid to the secretary of state by a domestic corporation |
| 11 | 10.00 |
| 12 | (c) filing bylaws or amendment thereto where required |
| 13 | 5.00 |
| 14 | (d) filing annual statement of insurer, other than as |
| 15 | part of application for original certificate of authority |
| 16 | 25.00 |
| 17 | (e) <u>resident</u> agent's license v propertyvcosucltyv |
| 18 | suretyvtitleinsuranceagentsvincludingdisability |
| 19 | insurance-without-additional-license-or-fee-when-writtenby |
| 20 | propertycasualty-or-surety-insurer-otherwise-represented |
| 21 | by-the-agent: |
| 22 | (i) application for original license, including |
| 23 | issuance of license, if issued <u>flife and/or disability</u>) |
| 24 | |
| 25 | fill application for original license, including |

| 1 | issuance of license, if issued tother than life and/or |
|----|--|
| 2 | disability ****** 10.00 |
| 3 | †**†(::: appointment of agent, each insurer 5.00 |
| 4 | tiii)[[iv] annual renewal or-appointment-of-agent, each |
| 5 | insurer 5.00 |
| 6 | {iv}(x) temporary license |
| 7 | (f) nonresident agent's licenseypropertyycosualtyy |
| 8 | tit leinsuran ceagentsanddisability-insurance-without |
| 9 | additionallicanseorfeewhenwrittenbypropertyw |
| 10 | casualtyyarsuretyinsurerotherwise-represented-by-the |
| 11 | agent: |
| 12 | (i) application for original license, including |
| 13 | issuance of license, if issued [life_and/or_disability] |
| 14 | 100_00 |
| 15 | (ii) application for original licenses including |
| 16 | issuance of license, if issued (other than life and/or |
| 17 | disability) ************************************ |
| 18 | (iii) appointment of agente each insurer 5.00 |
| 19 | (iii) (iv) annual renewal or appointment of agent, each |
| 20 | insurer 100,00 <u>5,00</u> |
| 21 | (g) solicitor's license: |
| 22 | (i) application for original license, including |
| 23 | issuance of license, if issued 5.00 |
| 24 | (ii) annual continuation renewal of license 5.00 |
| 25 | th)agent*s-ticensey-lifey-disability-insurance |

| 1 | {i}opplication-for-original-licensey-each-insurer-www |
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| 2 | |
| 3 | titt=annualcontinuationorrenewal-of-licansav-each |
| 4 | †nsurar- |
| 5 | †ilij-temporory-licensey-each insurer-veveveveve5+88 |
| 6 | |
| 7 | +nsurance+ |
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| 9 | issuance-of-licensey-if-issuady-each-insurer-seesesesi00e00 |
| 10 | (11) -s imus1-continustion-er-renews1oflicensevesch |
| 11 | insurer |
| 12 | † †††[h] examination for license as agent or solicitor, |
| 13 | each examination |
| 14 | tk <u>f(i)</u> surplus line agent's license: |
| 15 | (i) application for original license and for issuance |
| 16 | of license, if issued ************************************ |
| 17 | (ii) annual renewal or continuation of license 25.00 |
| 18 | <pre>fff(j) adjuster's license:</pre> |
| 19 | (i) application for original license and for issuance |
| 20 | of license, if issued ************************************ |
| 21 | (ii) annual continuation or renewal of license •• 10•00 |
| 22 | <pre>tmf(k) insurance vending machine license, each</pre> |
| 23 | machine, each year 10-00 |
| 24 | <pre>tn+(1) commissioner's certificate under seal {except</pre> |
| 25 | when on certificates of authority or licenses) ****** 3*00 |

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| 1 | tolial copies of documents on file in the |
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| 2 | commissioner*s office, per page |
| 3 | tptinl policy forms: |
| 4 | {i} filing each policy form *********** 25-00 |
| 5 | (ii) filing each application, rider, endorsement, |
| 6 | amendment, insert page, schedule or rates, and clarification |
| 7 | of risks 10-00 |
| 8 | (iii) maximum charge if policy and all forms submitted |
| 9 | at one time or resubmitted for approval within 180 days |
| 10 | •••••••• 5G-00 |
| 11 | (2) The commissioner shall promptly deposit with the |
| 12 | state treasurer to the credit of the general fund of this |
| 13 | state all fees and licenses received by him under this |
| 14 | section." |
| 15 | Section 2. Section 33-17-218. MCA: is amended to read: |
| 16 | *33-17-218. Continuance and expiration of licenses. |
| 17 | (1) All solicitor and adjuster licenses issued under this |
| 18 | chapter, all agent licenses as to life and/or disability |
| 19 | insurance only, and all nonresident agent licenses shall |
| 20 | continue in force until expired, suspended, revoked, or |
| 21 | terminated but subject to payment to the commissioner |
| 22 | annually on or before May 1 of the applicable continuation |
| 23 | renewal fee as stated in 33-2-708, accompanied by written |
| 24 | request for such continuation. Such request for continuation |
| 25 | as to agent licenses for life insurance and/or disability |

1 insurance only shall be made by the insurer in the form of 2 an alphabetical list in duplicate of the names and addresses 3 of its agents whose licenses are to be continued in this state: accompanied by payment of the annual continuation renewal fee therefor as provided in 33-2-708. At the same 5 time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of 7 all its agents whose licenses in this state are not to remain in effect. Section 33-17-231(5) shall apply as to any 9 10 licenses so terminated by the insurer. As to a solicitor's license, such request shall be signed by the agent by whom 11 12 the licensee is employed.

- (2) Any license referred to in subsection (1) as to which such fee and request for continuation are not received by the commissioner as required in such subsection (1) shall be deemed to have expired as of midnight on May 31 next following. Request for continuation of any such license and/or payment of the continuation renewal fee therefor which is received by the commissioner after such May 1 and prior to the next following June 15 may be accepted and effectuated by the commissioner, in his discretion, if accompanied by an annual continuation renewal fee in twice the amount otherwise required.
- (3) The license of an agent as to property, casualty, or surety insurance shall continue in force as long as there

records an appointment or appointments, as agent of authorized insurers, covering collectively all of the kinds of insurance included in the agent's license. Upon termination of all of such an agent's agency appointments as to a particular kind of insurance and failure to secure and file with the commissioner a new appointment as to such kind of insurance within 90 days thereafter, the agent's license shall automatically thereupon expire and terminate as to such kind of insurance and the licensee shall promptly deliver his license to the commissioner for reissuance, without fee or charge, as to the kinds of insurance covered by the agent's remaining appointments.

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- (4) This section shall not apply to temporary licenses issued under 33-17-216.**
- Section 3. Section 33-17-231. MCA. is amended to read:

 "33-17-231. Appointment of agents continuation and
 termination. (1) Each insurer appointing an agent in this
 state as to property. casualty, or surety insurance shall
 file with the commissioner the appointment. specifying the
 kinds of insurance to be transacted by the agent for the
 insurer. and pay the fee therefor as stated in 33-2-708. If
 the appointment includes casualty insurance, the agent may
 be appointed by the same insurer also as to disability
 insurance without requiring an additional appointment or

1 appointment fee-

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- (2) Subject to annual continuation by the insurer not later than May 31, each such appointment shall remain in effect until the agent's license is revoked or otherwise terminated unless written notice of earlier termination of the appointment is filed with the commissioner by the insurer or agent.
- (3) Annually, prior to May 1, each insurer shall file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are to remain in effect, accompanied by payment of the annual continuation-of-appointment ranewal fee as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are not to remain in effect.
- (4) Subject to the agent's contract rights, an insurer may terminate an agency appointment at any time. The insurer shall promptly give written notice of such termination to the commissioner and to the agent where reasonably possible. The commissioner may require of the insurer reasonable proof that the insurer has given such notice to the agent.
- (5) As part of the notice of termination given the commissioner, the insurer shall file with the commissioner a

statement of the facts relative to the termination and the
cause thereof. Any information or statement contained in the
notice of termination shall be privileged and shall not be
admissible as evidence in any action or proceeding against
the insurer or any representative thereof by or in behalf of
any person affected by such termination.

Approved by Committee on Business and Industry

| i | General BILL NO. 22 |
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| - | INTRODUCED By Dlayloth Februar |
| 3 | BY RECEST OF THE COMMISSIONER OF INSURANCE |
| 4 | |
| ž | A BILL FOR AN ACT ENTITLED: MAN ACT TO REVISE THE LICENSE |
| 6 | FEE SCHEDULE RELATING TO THE INSURANCE INDUSTRY AND TO |
| 7 | DEVISE THE TERMINOLOGY FOR RENSHAL LICENSES: AMENDING |
| 8 | SECTIONS 33-2-708, 33-17-218, AND 33-17-231, MCA.* |
| 9 | |
| o. | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| .1 | Section 1. Section 33-2-708, MCA, is amended to read: |
| .2 | M33-2-70s. Fees and licenses. (1) The commissioner |
| .3 | shall collect in advance and the persons so served shall so |
| .4 | pay to the commissioner the following fees and licenses: |
| .5 | (a) cartificates of authority: |
| .6 | (i) for filing applications for original certificate |
| . 7 | of authority, articles of incorporation (except as provided |
| .8 | in subsection (b), below) and other charter documents, |
| .9 | bylaws, financial statement, examination report, power of |
| ! G | attorney to the commissioner, and all other decuments and |
| 1 | filings required in connection with such application and for |
| 12 | issuance of an original certificate of authority. If issued: |
| 13 | (A) domestic insurers *********************************** |
| 4 | (B) foreign insurers |
| 5 | (ii) annual continuation of certificate of authority |

| 1 | 300.00 |
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| 2 | (iii) reinstatement of certificate of authority ***** |
| 3 | 25-00 |
| 4 | (b) articles of incorporation: |
| 5 | (i) filing original articles of incorporation of |
| 6 | domestic insurer, exclusive of fees required to be paid by |
| 7 | the corporation to the secretary of state ******* 20-00 |
| 8 | (ii) filing amendment of articles of incorporation. |
| 9 | domestic and foreign insurers, exclusive of fees required to |
| 10 | be paid to the secretary of state by a domestic corporation |
| 11 | 10-00 |
| 12 | (c) filing bylaws or amendment thereto where required |
| 13 | 5-00 |
| 14 | (d) filing annual statement of insurer, other than as |
| 15 | part of application for original certificate of authority |
| 16 | 25-00 |
| 17 | (e) resident agent's licensev propertyvcosualtyv |
| 18 | suretyytitleinsuranceagentsyincludingdisability |
| 19 | insurance-without-additional-license-or-fee-when-written-by |
| 20 | propertyycosualtyy.or.surety-insurer-otherwise-represented |
| 21 | by-the-agent: |
| 22 | (i) application for original license, including |
| 23 | Issuance of license, if issue? (Hifs and/or disability) •••• |
| 24 | 10.00 |
| 25 | (ii) application for original license including |
| | -2- SECOND READING |

| 1 | issuance of licenses if issued tother than life and/or |
|---|---|
| 2 | disability ************************************ |
| 3 | tiit[[]] appointment of agent, each insurer 5.00 |
| 4 | tiiii annual renewal or-appointment-of-agent, each |
| 5 | insurer 5.00 |
| 5 | fiv)[v] temporary license |
| 7 | (f) nonresident agent's licensevpropertyvensumityv |
| 8 | title-insurance-agentsy-and-disability-insurance-without |
| 9 | additionallicenseorfeewhenwrittenbyprepertyy |
| 0 | Coskattyorsuretyinsureroth erwise-represented-by-the |
| 1 | agen t: |
| 2 | (i) application for original licenses including |
| 3 | issuance of license, if issued flife and/or disability) |
| 4 | ••••••••••••••••••••••••••••••••••••••• |
| 5 | (iii) application for original license, including |
| 6 | issuance of license. if issued tother than life and/or |
| 7 | disabilityl |
| 8 | tit)[iii] appointment of agent. each insurer 5.00 |
| 9 | tiiit[iv] ammual renewal or-appointment-of-agent, each |
| 3 | insurer *********************************** |
| ı | (g) solicitor's license: |
| 2 | (i) application for original license, including |
| 3 | issuance of licenses if issued ************* 5.00 |
| 4 | (ii) annual continuation renewal of license **** 5.00 |
| 5 | (h)agent*s-licensev-lifev-disability-insurance* |

| 1 (i)opplication-for-original-licensey-each-insurer-www |
|---|
| 2 ************************************* |
| 3 \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\ |
| 4 †nsurer- |
| 5 (iii) temporary licenses each insurer www.www5 #00 |
| 6 (i)nonresidentagent*slicenseylifeydi sability |
| 7 insurance* |
| 8 ti)applicationfororiginallicensevincluding |
| 9 issuance-of-licensey-if-issuedy-each-insurer-wwwwwwwit00*00 |
| 10 fii)-annual-continuation-or-renewaloflicenseyeach |
| 11 *********************************** |
| 12 (j)(h) examination for license as agent or solicitor, |
| 13 each examination |
| 14 (k)[i] surplus line agent's license: |
| 15 (i) application for original license and for issuance |
| of license, if issued |
| 17 (ii) annual renewal or-continuation of license •• 25•00 |
| 18 thii adjuster's license: |
| 19 (i) application for original license and for issuance |
| of license, if issued |
| 21 (ii) annual continuation-or renewal of license •• 10.00 |
| 22 (m)(k) insurance vending machine license, each |
| 23 machine, each year |
| 24 (nt[]] commissioner's certificate under seal (except |
| 25 when on certificates of authority or licenses) ***** 3.30 |

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| 1 | (a)(a) | copi∈s | of | documents | on | file | in | the |
|---|--------------|-----------|--------|------------|-----------|-------|------|-------|
| Ž | commissioner | 's office | e per | page ••••• | • • • • • | ••••• | •••• | •5B |
| 3 | (n) tqt | policy 1 | forms: | | | | | |
| 4 | (i) fi | ling each | 1 001i | cy form | | | •••• | 25.00 |

(ii) filing each application, rider, endorsement, amendment, insert page, schedule or rates, and clarification of risks

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- (iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within 180 days 50.00
- (2) The commissioner shall promptly deposit with the state treasurer to the credit of the general fund of this state all fees and licenses received by him under this section.
- Section 2. Section 33-17-218. MCA, is amended to read:
 #33-17-218. Continuance and expiration of licenses.

 (1) All solicitor and adjuster licenses issued under this chapter, all agent licenses as to life and/or disability insurance only, and all nonresident agent licenses shall continue in force until expired, suspended, revoked, or terminated but subject to payment to the commissioner annually on or before May 1 of the applicable tentinuation request for such continuation. Such request for continuation as to agent licenses for life insurance and/or disability

insurance only shall be made by the insurer in the form of an alphabetical list in duplicate of the names and addresses 3 of its agents whose licenses are to be continued in this state. accompanied by payment of the annual continuation renewal fee therefor as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an 7 alphabetical list in duplicate of the names and addresses of all its agents whose licenses in this state are not to remain in effect. Section 33-17-231(5) shall apply as to any 10 licenses so terminated by the insurer. As to a solicitor's 11 license, such request shall be signed by the agent by whom 12 the licensee is employed.

- (2) Any license referred to in subsection (1) as to which such fee and request for continuation are not received by the commissioner as required in such subsection (1) shall be deemed to have expired as of midnight on Hay 31 next following. Request for continuation of any such license and/or payment of the continuation renewal fee therefor which is received by the commissioner after such Hay 1 and prior to the next following June 15 may be accepted and effectuated by the commissioner, in his discretion, if accompanied by an annual continuation renewal fee in twice the amount otherwise required.
- (3) The license of an agent as to property, casualty,
 or surety insurance shall continue in force as long as there

is in effect as to such agent as shown by the commissioner's records an appointment or appointments, as agent of authorized insurers, covering collectively all of the kinds of insurance included in the agent's license. Upon termination of all of such an agent's agency appointments as to a particular kind of insurance and failure to secure and file with the commissioner a new appointment as to such kind of insurance within 90 days thereafter, the agent's license shall automatically thereupon expire and terminate as to such kind of insurance and the licensee shall promptly deliver his license to the commissioner for reissuance, without fee or charge, as to the kinds of insurance covered by the agent's remaining appointments.

(4) This section shall not apply to temporary licenses issued under 33-17-216.**

Section 3. Section 33-17-231. MCA, is amended to read:

"33-17-231. Appointment of agents -- continuation and
termination. (1) Each insurer appointing an agent in this
state as to property, casualty, or surety insurance shall
file with the commissioner the appointment, specifying the
kinds of insurance to be transacted by the agent for the
insurer, and pay the fee therefor as stated in 33-2-708. If
the appointment includes casualty insurance, the agent may
be appointed by the same insurer also as to disability
insurance without requiring an additional appointment or

appointment fee.

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(2) Subject to annual continuation by the insurer not later than May 31+ each such appointment shall remain in effect until the agent's license is revoked or otherwise terminated unless written notice of earlier termination of the appointment is filed with the commissioner by the insurer or agent.

- (3) Annually, prior to May 1, each insurer shall file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are to remain in effect, accompanied by payment of the annual continuation of appointment renewal fee as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are not to remain in effect.
- (4) Subject to the agent's contract rights, an insurer may terminate an agency appointment at any time. The insurer shall promptly give written notice of such termination to the commissioner and to the agent where reasonably possible. The commissioner may require of the insurer reasonable proof that the insurer has given such notice to the agent.
- (5) As part of the notice of termination given the commissioner, the insurer shall file with the commissioner a

statement of the facts relative to the termination and the
cause thereof. Any information or statement contained in the
notice of termination shall be privileged and shall not be
admissible as evidence in any action or proceeding against
the insurer or any representative thereof by or in behalf of
any person affected by such termination.

| 1 | Specify BILL Mg 92 |
|----|--|
| 2 | INTRODUCED BY Dayloth Them |
| 3 | BY RECOEST OF THE COMMISSIONER OF INSURANCE |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LICENSE |
| 6 | FEE SCHEDULE RELATING TO THE INSURANCE INDUSTRY AND TO |
| 7 | REVISE THE TERMINOLOGY FOR RENEWAL LICENSES; AMENDING |
| 8 | SECTIONS 33-2-708. 33-17-218. AND 33-17-231. MCA.* |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1. Section 33-2-708, MCA, is amended to read: |
| 12 | "33-2-708. Fees and licenses. (1) The commissioner |
| 13 | shall collect in advance and the persons so served shall so |
| 14 | pay to the commissioner the following fees and licenses: |
| 15 | (a) certificates of authority: |
| 16 | (i) for filing applications for original certificate |
| 17 | of authority, articles of incorporation (except as provided |
| 18 | in subsection (b), below) and other charter documents, |
| 19 | bylaws, financial statement, examination report, power of |
| 20 | attorney to the commissioner, and all other documents and |
| 21 | filings required in connection with such application and for |
| 22 | issuance of an original certificate of authority. If issued: |
| 23 | (A) domestic insurers •••••••• 30•00 |
| 24 | (B) foreign insurers •••••••••••••300•00 |

(ii) annual continuation of certificate of authority ...

| 1 | ************************************** |
|----|--|
| 2 | (iii) reinstatement of certificate of authority |
| 3 | 25.00 |
| 4 | (b) articles of incorporation: |
| 5 | (i) filing original articles of incorporation of |
| 6 | domestic insurer, exclusive of fees required to be paid by |
| 7 | the corporation to the secretary of state •••••• 20-00 |
| 8 | (ii) filing amendment of articles of incorporation. |
| 9 | domestic and foreign 'insurers, exclusive of fees required to |
| ro | be paid to the secretary of state by a domestic corporation |
| n | 10.00 |
| 12 | (c) filing bylaws or amendment thereto where required |
| 13 | 5-00 |
| ۱4 | (d) filing annual statement of insurer, other than as |
| 15 | part of application for original cartificate of authority |
| 6 | 25.00 |
| 7 | (a) <u>resident</u> agent's license , propertycosualty, |
| 8 | surety:titleinsuronceagents:ineludingdiaability |
| 9 | insurance-without-additional-license-or-fee-when-written-by |
| 20 | propertycasualty-or-surety-insurer-otherwise-represented |
| 1 | by-the- agent : |
| 22 | (I) application for original license, including |
| :3 | issuance of license, if issued (life and/or disability) |
| 4 | 10.00 |
| 25 | (ii) application for original licenses including |
| | SB 92 |
| | -2- THIRD READING |

| 1 | issuance of licenses if Issued fother than life and/or |
|-------------|---|
| 2 | disability escapessessessessessessessessessesses 10-00 |
| 3 | fir)([[[]] appointment of agent, each insurer **** 5.00 |
| 4 | <pre>tifit(ir) annual renewal or-appointment-of-agent, each</pre> |
| 5 | insurer ******* 5-00 |
| 6 | (iv)[x] temporary license |
| 7 | (f) "nonresident agent's licensevpropertyvcosualtyv |
| | title insurance agents, and dischility insurance without |
| 9 | WCWITTONOI license or fee when writton by property y |
| 10 | Canasityy-mor-suruty-facurer-otherwise represented by the |
| 11 | egen:\s |
| 13 | (i) application for original licenses including |
| 13 | issuance of license, if issued flife and/or disability) |
| 14 | *************************************** |
| 15 | fill application for original license including |
| 16 | Issuance of licenses if Issued (other than life and/or |
| 17 | disability! |
| 18 | (+++)(iii) appointment of agent- each insurer 5-00 |
| 19 | (++++)[iv] annual renewal or appointment of agent. each |
| 20 | *nsurer*********************************** |
| 21 | (g) solicitor's license: |
| 22 | (i) application for original license, including |
| ' 23 | issuance of license, if issued |
| 24 | (ii) annual continuation renewal of license 5.00 |
| 25 | th)agent*s-licensey-lifey-disability-insurance* |

| 1 | (1) - spplication for original licenses each insurer -vvv |
|----|--|
| Z | · |
| 3 | (ii)-annualcontinuationorrenewal-of-licensey -each |
| 4 | 1920-61-61-61-61-61-61-61-61-61-61-61-61-61- |
| 5 | (117) temperary licenses each insurer vecesses 5+80 |
| 6 | (i)manresidentagent^slicenseylifedi sability |
| 7 | fnsurance+ |
| 8 | ti)upplicationfororiginallicenseyincluding |
| 9 | isswance of licensey if issuedy each insurer evenues 100 e00 |
| 10 | (ii) - annual - continuation - or - renewel - of licenses each |
| 11 | 1n##1#********************************* |
| 12 | (j)(h) examination for license as agent or solicitor. |
| 13 | each examination 10.00 |
| 14 | <pre>(k)(1) surplus line agent's license:</pre> |
| 15 | (i) application for original license and for issuance |
| 16 | of license: if issued |
| 17 | (11) annual renewal or—continuation of license 25.0 |
| 18 | (1)111 adjuster's license: |
| 19 | (i) application for original license and for issuance |
| 20 | of licenses if issued ************************************ |
| 21 | (ii) annual continuation—or renewal of license •• 10.00 |
| 22 | {m}(k) insurance vending machine license, each |
| 23 | machine, each year |
| 24 | tn)[1] commissioner's certificate under seal (except |
| 25 | when on certificates of authority or licenses) 3.00 |
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| 2 | commissioner's office, per page |
|------|--|
| 3 | tp)(n) policy forms: |
| 4 | (i) filing each policy form ******************* 25.00 |
| 5 | (ii) filing each application, rider, endorsement, |
| 6 | amendment, insert page, schedule or rates, and clarification |
| 7 | of risks 10-00 |
| 8 | (iii) maximum charge if policy and all forms submitted |
| 9 | at one time or resubmitted for approval within 180 days •••• |
| 10 | 50-00 |
| 11 - | (2) The commissioner shall promptly deposit with the |
| 12 | state treasurer to the credit of the general fund of this |
| 13 | state all fees and licenses received by him under this |
| 14 | section.* |
| 15 | Section 2. Section 33-17-218, MCA, is amended to read: |
| 16 | #33-17-218. Continuance and expiration of licenses. |
| 17 | (1) All solicitor and adjuster licenses issued under this |
| 18 | chapter, all agent licenses as to life and/or disability |
| 19 | insurance only, and all nonresident agent licenses shall |
| 20 | continue in force until expired, suspended, revoked, or |
| 21 | terminated but subject to payment to the commissioner |
| 22 | annually on or before May 1 of the applicable continuation |
| 23 | recewal fee as stated in 33-2-708, accompanied by written |
| 24 | request for such continuation. Such request for continuation |

to)(m) copies of documents on file in

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insurance only shall be made by the insurer in the form of 2 an alphabetical list in duplicate of the names and addresses of its agents whose licenses are to be continued in this state, accompanied by payment of the annual continuation renewal fee therefor as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose licenses in this state are not to remain in effect. Section 33-17-231(5) shall apply as to any 10 licenses so terminated by the insurer. As to a solicitor's 11 license, such request shall be signed by the agent by whom 12 the licensee is employed.

- (2) Any license referred to in subsection (1) as to which such fee and request for continuation are not received by the commissioner as required in such subsection (1) shall be deemed to have expired as of midnight on May 31 next following. Request for continuation of any such license and/or payment of the continuetion renewal fee therefor which is received by the commissioner after such May 1 and prior to the next following June 15 may be accepted and effectuated by the commissioner, in his discretion, if accompanied by an annual continuation renewal fee in twice the amount otherwise required.
- (3) The license of an agent as to property, casualty, or surety insurance shall continue in force as long as there

as to agent licenses for life insurance and/or disability

is In effect as to such agent as shown by the commissioner's records an appointment or appointments, as agent of authorized insurers, covering collectively all of the kinds of insurance included in the agent's license. Upon termination of all of such an agent's agency appointments as to a particular kind of insurance and failure to secure and file with the commissioner a new appointment as to such kind of insurance within 90 days thereafter, the agent's license shall automatically thereupon expire and terminate as to such kind of insurance and the licensee shall promptly deliver his license to the commissioner for reissuance, without fee or charge, as to the kinds of insurance covered by the agent's remaining appointments.

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(4) This section shall not apply to temporary licenses issued under 39-17-276.**

*33-17-231. Appointment of agents — continuation and termination. (1) Each insurer appointing an agent in this state as to property, casualty, or surety insurance shall file with the commissioner the appointment. specifying the kinds of insurance to be transacted by the agent for the insurer, and pay the fee therefor as stated in 33-2-708. If the appointment includes casualty insurance, the agent may be appointed by the same insurer also as to disability insurance without requiring an additional appointment or

appointment fee.

- (2) Subject to annual continuation by the insurer not later than May 31. each such appointment shall remain in effect until the agent's license is revoked or otherwise terminated unless written notice of earlier termination of the appointment is filed with the commissioner by the insurer or agent.
- (3) Annually, prior to May 1, each insurer shall file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are to remain in effect, accompanied by payment of the annual continuation of appointment renewal fee as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are not to remain in effect.
 - (4) Subject to the agent's contract rights, an insurer may terminate an agency appointment at any time. The insurer shall promptly give written notice of such termination to the commissioner and to the agent where reasonably possible. The commissioner may require of the insurer reasonable proof that the insurer has given such notice to the agent.
- (5) As part of the notice of termination given the commissioner, the insurer shall file with the commissioner a

statement of the facts relative to the termination and the
cause thereof. Any information or statement contained in the
notice of termination shall be privileged and shall not be
admissible as evidence in any action or proceeding against
the insurer or any representative thereof by or in behalf of
any person affected by such termination.

| 2 | INTRODUCED BY BLAYLOCK. PETERSON. MEHRENS, KOLSTAD |
|----|--|
| 3 | BY REQUEST OF THE COMMISSIONER OF INSURANCE |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LICENSE |
| 6 | FEE SCHEDULE RELATING TO THE INSURANCE INDUSTRY AND TO |
| 7 | REVISE THE TERMINOLOGY FOR RENEWAL LICENSES; AMENDING |
| 8 | SECTIONS 33-2-708, 33-17-218, AND 33-17-231, MCA.* |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1. Section 33-2-708, MCA, is amended to read: |
| 12 | 733-2-708. Fees and licenses. (1) The commissioner |
| 13 | shall collect in advance and the persons so served shall so |
| 14 | pay to the commissioner the following fees and licenses: |
| 15 | (a) certificates of authority: |
| 16 | (i) for filing applications for original certificate |
| 17 | of authority, articles of incorporation (except as provided |
| 18 | in subsection (b)+ below) and other charter documents+ |
| 19 | bylaws, financial statement, examination report, power of |
| 20 | attorney to the commissioner, and all other documents and |
| 21 | filings required in connection with such application and for |
| 55 | issuance of an original certificate of authority, if Issued: |
| 23 | (A) domestic insurers *********************************** |
| 24 | (B) foreign insurers300.00 |
| 25 | (ii) annual continuation of certificate of authority |

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| 1 | 300.00 |
|----|--|
| 2 | (iii) reinstatement of certificate of authority ***** |
| 3 | 25.00 |
| 4 | (b) articles of incorporation: |
| 5 | (i) filing original articles of incorporation of |
| 6 | domestic insurer, exclusive of fees required to be paid by |
| 7 | the corporation to the secretary of state ******* 20*00 |
| 8 | (ii) filing amendment of articles of incorporation. |
| 9 | domestic and foreign insurers, exclusive of fees required to |
| 10 | be paid to the secretary of state by a domestic corporation |
| 11 | 10.00 |
| 12 | (c) filing bylaws or amendment thereto where required |
| 13 | 5.00 |
| 14 | (d) filing annual statement of insurer, other than as |
| 15 | part of application for original certificate of authority |
| 16 | 25-00 |
| 17 | (e) <u>resident</u> agent's licensev propertyvcasualtyv |
| 18 | suretytitleinsuranceagentsincludingdisability |
| 19 | insurance-without-additional-license-or-fee-when-writtenby |
| 20 | propertycasualty-or-surety-insurer-otherwise-represented |
| 21 | by-the-agent: |
| 22 | (i) application for original license, including |
| 23 | issuance of license, if issued <u>flife and/or disability</u>) **** |
| 24 | 10.00 |
| 25 | (ii) application for original license, including |

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| 1 | issuance of license. if issued tother than life and/or | 1 | (+)application-for-original-licensev-each-insurer-ww |
|----|--|----|---|
| 2 | disability_ssssssssssssssssssssssssssssssssssss | 2 | *************************************** |
| 3 | titili appointment of agent, each insurer 5.00 | 3 | {++}-annualcontinuationar-renewal-of-licensey-eac |
| 4 | titilial annual renewal or-oppointment-of-ogent, each | 4 | ingurer |
| 5 | insurer 5.00 | 5 | {++++}-temporary-++cansey-each-+nsurer- **********-5*8 |
| 6 | | 6 | (i)nonresidentagent^slicensevlife vdisebilit |
| 7 | (f) nonresident agent's licensevpropertyvcosuottyv | 7 | insurance: |
| 8 | titleinsuranceagantsyanddisability-insurance-without | 8 | {+}appl+cat+anforor+g+nall+can sey+nc+ud+r |
| 9 | additions:::censeorfeewhenwrittenbypropertyv | 9 | +ssuance-of-licensov-if-issuedv-each-insurer-wwwwwwwwwww |
| 10 | casuattyorsuretyinsurerotherwise-represented-by-the | 10 | |
| 11 | egent: | 11 | ingurer |
| 12 | (i) application for original license. including | 12 | tj)1h) examination for license as agent or solicitor |
| 13 | issuance of license. if issued <u>flife and/or disability</u>) | 13 | each examination 10-0 |
| 14 | 100.00 | 14 | <pre>tktil surplus line agent's license:</pre> |
| 15 | fiil application for original licenses including | 15 | (i) application for original license and for issuance |
| 16 | issuance of license: if issued (other than life and/or | 16 | of license, if issued |
| 17 | disability)_seessessessessessessessessessessessesse | 17 | (ii) annual renewal or-continuation of license •• 25-0 |
| 18 | f+++(iii) appointment of agent, each insurer 5.00 | 16 | <pre> †††1j1 adjuster's license:</pre> |
| 19 | <pre>fiff(iv) annual renewal or-appointment-of-agent, each</pre> | 19 | (i) application for original license and for issuance |
| 20 | insurer <u>188+88</u> <u>5.00</u> | 20 | of licenses if issued |
| 21 | (g) solicitor*s license: | 21 | (ii) annual continuation or renewal of license •• 10-0 |
| 22 | (i) application for original license, including | 22 | <pre>fmf(k) insurance vending machine license; eac</pre> |
| 23 | issuance of license, if issued *********** 5.00 | 23 | machine, each year |
| 24 | (ii) annual continuation recense of license 5.00 | 24 | <pre>fn†(1) commissioner's certificate under seal (excep</pre> |
| 25 | th;agent*s-licensev-lifev-disability-insurance | 25 | when on certificates of authority or licenses) ****** 3-0 |
| | | | |

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| 1 | toliml copies of documents on file in the |
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| 2 | commissioner's office, per page |
| 3 | tptini policy forms: |
| 4 | (i) filing each policy form ************ 25.00 |
| 5 | (ii) filing each application, rider, endorsement, |
| 6 | amendment, insert page, schedule or rates, and clarification |
| 7 | of risks 10.00 |
| 8 | (iii) maximum charge if policy and all forms submitted |
| 9 | at one time or resubmitted for approval within 180 days |
| 10 | 50.00 |
| 11 | (2) The commissioner shall promptly deposit with the |
| 12 | state treasurer to the credit of the general fund of this |
| 13 | state all fees and licenses received by him under this |
| 14 | section•* |
| 15 | Section 2. Section 33-17-218. MCA. is amended to read: |
| 16 | #33-17-218. Continuance and expiration of licenses. |
| 17 | (1) All solicitor and adjuster licenses issued under this |
| 18 | chapter, all agent licenses as to life and/or disability |
| 19 | insurance only, and all nonresident agent licenses shall |
| 20 | continue in force until expired, suspended, revoked, or |
| 21 | terminated but subject to payment to the commissioner |
| 22 | annually on or before May 1 of the applicable continuation |
| 23 | renewal fee as stated in 33-2-708, accompanied by written |
| 24 | request for such continuation. Such request for continuation |
| 25 | as to agent licenses for life insurance and/or disability |

insurance only shall be made by the insurer in the form of an alphabetical list in duplicate of the names and addresses of its agents whose licenses are to be continued in this state, accompanied by payment of the annual continuation renewal fee therefor as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose licenses in this state are not to remain in effect. Section 33-17-231(5) shall apply as to any licenses so terminated by the insurer. As to a solicitor's license, such request shall be signed by the agent by whom the licensee is employed.

- (2) Any license referred to in subsection (1) as to which such fee and request for continuation are not received by the commissioner as required in such subsection (1) shall be deemed to have expired as of midnight on May 31 next following. Request for continuation of any such license and/or payment of the continuation renewal fee therefor which is received by the commissioner after such May 1 and prior to the next following June 15 may be accepted and effectuated by the commissioner, in his discretion, if accompanied by an annual continuation renewal fee in twice the amount otherwise required.
- (3) The license of an agent as to property, casualty, or surety insurance shall continue in force as long as there

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is in effect as to such agent as shown by the commissioner's records an appointment or appointments, as agent of authorized insurers, covering collectively all of the kinds of insurance included in the agent's license. Upon termination of all of such an agent's agency appointments as to a particular kind of insurance and failure to secure and file with the commissioner a new appointment as to such kind of insurance within 90 days thereafter, the agent's license shall automatically thereupon expire and terminate as to such kind of insurance and the licensee shall promptly deliver his license to the commissioner for reissuance, without fee or charge, as to the kinds of insurance covered by the agent's remaining appointments.

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(4) This section shall not apply to temporary licenses issued under 33-17-216.**

Section 3. Section 33-17-231, MCA, is amended to read:

"33-17-231. Appointment of agents -- continuation and
termination. (1) Each insurer appointing an agent in this
state as to property, casualty, or surety insurance shall
file with the commissioner the appointment. specifying the
kinds of insurance to be transacted by the agent for the
insurer, and pay the fee therefor as stated in 33-2-708. If
the appointment includes casualty insurance, the agent may
be appointed by the same insurer also as to disability
insurance without requiring an additional appointment or

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appointment fee.

- 2 (2) Subject to annual continuation by the insurer not
 3 later than May 31* each such appointment shall remain in
 4 effect until the agent's license is revoked or otherwise
 5 terminated unless written notice of earlier termination of
 6 the appointment is filed with the commissioner by the
 7 insurer or agent.
 - (3) Annually, prior to May 1, each insurer shall file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are to remain in effect, accompanied by payment of the annual continuation-of-appointment renewal fee as provided in 33-2-708. At the same time the insurer shall also file with the commissioner an alphabetical list in duplicate of the names and addresses of all its agents whose appointments in this state are not to remain in effect.
 - (4) Subject to the agent's contract rights, an insurer may terminate an agency appointment at any time. The insurer shall promptly give written notice of such termination to the commissioner and to the agent where reasonably possible. The commissioner may require of the insurer reasonable proof that the insurer has given such notice to the agent.
 - (5) As part of the notice of termination given the commissioner, the insurer shall file with the commissioner a

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1 statement of the facts relative to the termination and the

cause thereof. Any information or statement contained in the

3 notice of termination shall be privileged and shall not be

4 admissible as evidence in any action or proceeding against

5 the insurer or any representative thereof by or in behalf of

6 any person affected by such termination.**

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