

HOUSE BILL NO. 257

INTRODUCED BY WALLIN, SCHULTZ, KITSELMAN, WILLIAMS,  
KEYSER, SIVERTSEN, ERNST, NORDTVEDT, VINCENT, HARP

IN THE HOUSE

January 15, 1981	Introduced and referred to Committee on Business and Industry.
January 28, 1981	Committee recommend bill do pass. Report adopted.
January 29, 1981	Bill printed and placed on members' desks.
January 30, 1981	Second reading, do pass.
February 2, 1981	Considered correctly engrossed.
February 3, 1981	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 4, 1981	Introduced and referred to Committee on Business and Industry.
March 18, 1981	Committee recommend bill be concurred in. Report adopted.
March 20, 1981	Second reading, concurred in.
March 23, 1981	Third reading, concurred in. Ayes, 49; Noes, 0.

IN THE HOUSE

March 24, 1981	Returned from Senate. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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HOUSE BILL NO. 257

INTRODUCED BY *William Williams, Ryan Swales, Ernest W. Houtz, Vincent J. ...*  
A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EXCEPTION FROM EXAMINATION FOR MECHANICAL BREAKDOWN INSURANCE AGENTS; AMENDING SECTION 33-17-212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 33-17-212, MCA, is amended to read:

"33-17-212. Examination required. (1) After completion and filing of the application for license as required under 33-17-211, the commissioner shall subject each applicant for license as agent or solicitor, unless exempted therefrom under subsection (5) below, to a personal written examination as to his competence to act as such agent or solicitor.

(2) If the applicant is a firm or corporation, the examination shall be so taken by each individual who is to be named in the license as having authority to act for the applicant in its insurance transactions under the license.

(3) Examination of an applicant for an agent's license shall cover all of the kinds of insurance for which the applicant has applied to be licensed, as constituted by any one or more of the following classifications:

- 1 (a) life insurance;
- 2 (b) disability insurance;
- 3 (c) property insurance; for the purposes of this
- 4 provision, "marine" insurance shall be deemed to be included
- 5 in "property" insurance;
- 6 (d) casualty insurance;
- 7 (e) vehicle insurance;
- 8 (f) surety insurance;
- 9 (g) credit life and disability insurance.
- 10 (4) Examination of an applicant for a solicitor's
- 11 license shall cover all the kinds of insurance, other than
- 12 life, as to which the appointing agent is licensed.
- 13 (5) This section shall not apply to, and no such
- 14 examination shall be required of:
- 15 (a) any individual lawfully licensed as an agent or
- 16 solicitor as to the kind or kinds of insurance to be
- 17 transacted as of or immediately prior to January 1, 1961,
- 18 and thereafter continuing to be so licensed;
- 19 (b) any applicant for license covering the same kind
- 20 or kinds of insurance as to which the applicant was licensed
- 21 in this state, other than under a temporary license, within
- 22 the 12 months next preceding date of application unless such
- 23 previous license was suspended, revoked, or continuation
- 24 thereof refused by the commissioner;
- 25 (c) any applicant for license as nonresident agent,

1 subject to reciprocal arrangements as provided for in this  
2 code;

3 (d) all applicants for license as agent for an insurer  
4 that confines its business in this state substantially to  
5 the insuring of the property, interests, and risks of  
6 farmers, if exempted from examination by the commissioner,  
7 in his discretion, upon written request of the insurer;

8 (e) transportation ticket agents of common carriers  
9 applying for license to solicit and sell only:

10 (i) accident insurance ticket policies; or

11 (ii) insurance of personal effects while being carried  
12 as baggage on such common carrier, as incidental to their  
13 duties as such transportation ticket agents;

14 (f) agents' associations applying for license under  
15 33-17-205;

16 (g) title insurance agents;

17 ~~(h) mechanical breakdown insurance agents.~~

18 Section 2. Effective date. This act is effective on  
19 passage and approval.

-End-



1 subject to reciprocal arrangements as provided for in this  
2 code;

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HOUSE BILL NO. 257

INTRODUCED BY *William Williams* *Robert Kitseburn*  
*Walter Senter* *3rd* *Wendell Vincent*  
 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE AN EXCEPTION  
 FROM EXAMINATION FOR MECHANICAL BREAKDOWN INSURANCE AGENTS;  
 AMENDING SECTION 33-17-212, MCA; AND PROVIDING AN IMMEDIATE  
 EFFECTIVE DATE."

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

Section 1. Section 33-17-212, MCA, is amended to read:

"33-17-212. Examination required. (1) After completion  
 and filing of the application for license as required under  
 33-17-211, the commissioner shall subject each applicant for  
 license as agent or solicitor, unless exempted therefrom  
 under subsection (5) below, to a personal written  
 examination as to his competence to act as such agent or  
 solicitor.

(2) If the applicant is a firm or corporation, the  
 examination shall be so taken by each individual who is to  
 be named in the license as having authority to act for the  
 applicant in its insurance transactions under the license.

(3) Examination of an applicant for an agent's license  
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 applicant has applied to be licensed, as constituted by any  
 one or more of the following classifications:

- (a) life insurance;
  - (b) disability insurance;
  - (c) property insurance; for the purposes of this  
 provision, "marine" insurance shall be deemed to be included  
 in "property" insurance;
  - (d) casualty insurance;
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 examination shall be required of:
- (a) any individual lawfully licensed as an agent or  
 solicitor as to the kind or kinds of insurance to be  
 transacted as of or immediately prior to January 1, 1961,  
 and thereafter continuing to be so licensed;
  - (b) any applicant for license covering the same kind  
 or kinds of insurance as to which the applicant was licensed  
 in this state, other than under a temporary license, within  
 the 12 months next preceding date of application unless such  
 previous license was suspended, revoked, or continuation  
 thereof refused by the commissioner;
  - (c) any applicant for license as nonresident agent,

1 subject to reciprocal arrangements as provided for in this  
2 code;

3 (d) all applicants for license as agent for an insurer  
4 that confines its business in this state substantially to  
5 the insuring of the property, interests, and risks of  
6 farmers, if exempted from examination by the commissioner,  
7 in his discretion, upon written request of the insurer;

8 (e) transportation ticket agents of common carriers  
9 applying for license to solicit and sell only:

10 (i) accident insurance ticket policies; or

11 (ii) insurance of personal effects while being carried  
12 as baggage on such common carrier, as incidental to their  
13 duties as such transportation ticket agents;

14 (f) agents' associations applying for license under  
15 33-17-205;

16 (g) title insurance agents;

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3           KEYSER, SIVERTSEN, ERNST, NORDTVEDT, VINCENT, HARP  
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6   FROM EXAMINATION FOR MECHANICAL BREAKDOWN INSURANCE AGENTS;  
7   AMENDING SECTION 33-17-212, MCA; AND PROVIDING AN IMMEDIATE  
8   EFFECTIVE DATE."  
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10   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
11       Section 1. Section 33-17-212, MCA, is amended to read:  
12       "33-17-212. Examination required. (1) After completion  
13   and filing of the application for license as required under  
14   33-17-211, the commissioner shall subject each applicant for  
15   license as agent or solicitor, unless exempted therefrom  
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18   solicitor.  
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20   examination shall be so taken by each individual who is to  
21   be named in the license as having authority to act for the  
22   applicant in its insurance transactions under the license.  
23       (3) Examination of an applicant for an agent's license  
24   shall cover all of the kinds of insurance for which the  
25   applicant has applied to be licensed, as constituted by any

1   one or more of the following classifications:  
2       (a) life insurance;  
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5   provision, "marine" insurance shall be deemed to be included  
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24   previous license was suspended, revoked, or continuation  
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