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2 INTRODUCED BY *Becky Smith Carlson* SENSATE BILL NO. 216  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING CONTINUING EDUCATION REQUIREMENTS FOR  
5 CREDIT LIFE AND DISABILITY INSURANCE PRODUCERS; ELIMINATING PRELICENSING EDUCATION  
6 REQUIREMENTS FOR INSURANCE PRODUCERS; AMENDING SECTIONS 33-17-1203 AND 33-30-312,  
7 MCA; AND REPEALING SECTIONS 33-17-207, 33-17-208, AND 33-17-209, MCA."

8

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

10

11 Section 1. Section 33-17-1203, MCA, is amended to read:

12 **"33-17-1203. Continuing education -- basic requirements -- exceptions.** (1) Unless exempt under  
13 subsection (4):

14 (a) a person licensed to act as an insurance producer for property, casualty, surety, or title  
15 insurance or as a consultant for general insurance shall, during each calendar year, complete at least 10  
16 credit hours of approved continuing education;

17 (b) subject to the provisions of subsection (1)(d), a person licensed to act as an insurance producer  
18 for life, disability, or credit life and disability insurance or as a consultant for life insurance shall, during each  
19 calendar year, complete at least 10 credit hours of approved continuing education;

20 (c) a person holding multiple licenses shall, during each calendar year, complete at least 15 credit  
21 hours of approved continuing education;

22 (d) a person licensed to act as an insurance producer only for credit life and disability insurance  
23 shall, during each calendar year, complete 5 credit hours of approved continuing education in the areas of  
24 insurance law, ethics, or credit life and disability insurance;

25 (e) a person licensed as an insurance producer or consultant shall, during each biennium, complete  
26 at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and  
27 administrative rules.

28 (2) If a person licensed as an insurance producer or consultant completes more credit hours of  
29 approved continuing education in a year than the minimum required in subsection (1), the excess credit  
30 hours may be carried forward and applied to the continuing education requirements of the next year.

(3) The commissioner may, for good cause shown, grant an extension of time, not to exceed 1 year, during which the requirements imposed by subsection (1) may be completed.

(4) The minimum continuing education requirements do not apply to:

(a) a person licensed to sell any kind of insurance for which an examination is not required under 33-17-212(7)(d) through (7)(g);

(b) a person holding a temporary license issued under 33-17-216;

(c) a nonresident licensee who must meet continuing education requirements in the licensee's state of residence if that state accords substantially similar privileges to and has similar requirements of residents of this state;

(d) a newly licensed insurance producer or consultant during the calendar year in which the licensee first received a license;

(c) an insurance producer or consultant otherwise exempted by the commissioner; or

(f) a person selling only credit life and disability insurance incidental to other noninsurance activities."

Section 2. Section 33-30-312, MCA, is amended to read:

"33-30-312. Insurance producer -- filing with and approval by commissioner -- license. (1) Each corporation subject to the provisions of this chapter shall notify the commissioner through its proper officer or agent of the name, title, and address of each person it desires appointed as an insurance producer. The notice ~~shall~~ must be accompanied by a written application, upon a form furnished by the commissioner, from the appointee. The commissioner shall issue to that appointee a license ~~which states~~ stating that the person named is a constituted insurance producer of the corporation in this state if, upon receipt of this written notice, when accompanied by the proper fee, it appears that:

(a) the appointee is a competent and suitable person who intends to ~~hold himself out~~ act in good faith as the corporation's insurance producer; and

(b) the appointee qualifies under the provisions of this section.

(2) For ~~appointees~~ an appointee who ~~have~~ has not acted as an insurance producer for a health service corporation for a period of 2 years prior to July 1, 1975, if ~~he~~ he considers it desirable, the commissioner may require ~~an~~ the appointee to submit to an examination to determine the qualifications of the appointee to act as an insurance producer in this state. This examination must be the same as given



1 to applicants for a disability insurance producer license as provided for in 33-17-212 through 33-17-214.  
2 ~~A person required to take this examination must fulfill the prelicensing education requirement set by~~  
3 ~~33-17-208.~~

4 (3) Upon receipt by the commissioner of notification from a health service corporation that the  
5 corporation desires a particular individual to be appointed as its insurance producer, that person has a  
6 temporary insurance producer's license until the commissioner notifies the corporation of action taken upon  
7 the application. If the commissioner rejects the application, the prospective appointee's eligibility to act as  
8 an insurance producer ceases on the day the corporation is notified of rejection."

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10 **NEW SECTION. Section 3. Repealer.** Sections 33-17-207, 33-17-208, and 33-17-209, MCA, are  
11 repealed.

12 -END-

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6 REQUIREMENTS FOR INSURANCE PRODUCERS; AMENDING SECTIONS 33-2-708, 33-17-1203, AND  
7 33-30-312, MCA; AND REPEALING SECTIONS 33-17-207, 33-17-208, AND 33-17-209, MCA."8  
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:10  
11 SECTION 1. SECTION 33-2-708, MCA, IS AMENDED TO READ:12 "33-2-708. Fees and licenses. (1) Except as provided in 33-17-212(2), the commissioner shall  
13 collect in advance and the persons served shall pay to the commissioner the following fees:14 (a) certificates of authority:  
15 (i) for filing applications for original certificates of authority, articles of incorporation (except  
16 original articles of incorporation of domestic insurers as provided in subsection (1)(b)) and other charter  
17 documents, bylaws, financial statement, examination report, power of attorney to the commissioner, and  
18 all other documents and filings required in connection with the application and for issuance of an original  
19 certificate of authority, if issued:20 (A) domestic insurers . . . . . \$ 600.00  
21 (B) foreign insurers . . . . . 600.00  
22 (ii) annual continuation of certificate of authority . . . . . 600.00  
23 (iii) reinstatement of certificate of authority . . . . . 25.00  
24 (iv) amendment of certificate of authority . . . . . 50.0025 (b) articles of incorporation:  
26 (i) filing original articles of incorporation of a domestic insurer, exclusive of fees required to be paid  
27 by the corporation to the secretary of state . . . . . 20.0028 (ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees  
29 required to be paid to the secretary of state by a domestic corporation . . . . . 25.00

30 (c) filing bylaws or amendment to bylaws when required . . . . . 10.00

1	(d) filing annual statement of insurer, other than as part of application for original certificate of	
2	authority .....	25.00
3	(e) insurance producer's license:	
4	(i) application for original license, including issuance of license, if issued .....	15.00
5	(ii) appointment of insurance producer, each insurer, electronically filed .....	10.00
6	(iii) appointment of insurance producer, each insurer, nonelectronically filed .....	15.00
7	(iv) temporary license .....	15.00
8	(v) amendment of license (excluding additions to license) or reissuance of master license	15.00
9	(vi) termination of insurance producer, each insurer, electronically filed .....	10.00
10	(vii) termination of insurance producer, each insurer, nonelectronically filed .....	15.00
11	(f) nonresident insurance producer's license:	
12	(i) application for original license, including issuance of license, if issued .....	100.00
13	(ii) appointment of insurance producer, each insurer, electronically filed .....	10.00
14	(iii) appointment of insurance producer, each insurer, nonelectronically filed .....	15.00
15	(iv) annual renewal of license .....	10.00
16	(v) amendment of license (excluding additions to license) or reissuance of master license	15.00
17	(vi) termination of insurance producer, each insurer, electronically filed .....	10.00
18	(vii) termination of insurance producer, each insurer, nonelectronically filed .....	15.00
19	(g) examination, if administered by the commissioner, for license as insurance producer, each	
20	examination .....	15.00
21	(h) surplus lines insurance producer license:	
22	(i) application for original license and for issuance of license, if issued .....	50.00
23	(ii) annual renewal of license .....	50.00
24	(i) adjuster's license:	
25	(i) application for original license and for issuance of license, if issued .....	15.00
26	(ii) annual renewal of license .....	15.00
27	(j) insurance vending machine license, each machine, each year .....	10.00
28	(k) commissioner's certificate under seal (except when on certificates of authority or license)	\$0.00
29	(l) copies of documents on file in the commissioner's office, per page .....	.50
30	(m) policy forms:	

1	(i) filing each policy form . . . . .	25.00
2	(ii) filing each application, certificate, enrollment form, rider, endorsement, amendment, insert	
3	page, schedule of rates, and clarification of risks . . . . .	10.00
4	(iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval	
5	within 180 days . . . . .	100.00

(n) applications for approval of prelicensing education courses;

(i) reviewing initial application	150.00
(ii) periodic review	50.00

9 (2) The commissioner shall establish by rule fees commensurate with costs for filing documents  
10 and conducting the course reviews required by 33-17-1204 and 33-17-1205.

11 (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each  
12 domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.

13 (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the  
14 state treasurer to the credit of the general fund of this state all fines and penalties, those amounts received  
15 pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges  
16 that are collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except  
17 that all fees for filing documents and conducting the course reviews required by 33-17-1204 and  
18 33-17-1205 must be deposited in the state special revenue fund pursuant to 33-17-1207.

19 (b) The accreditation fee required by subsection (3) must be turned over promptly to the state  
20 treasurer who shall deposit the money in the state special revenue fund to the credit of the commissioner's  
21 office. The accreditation fee funds must be used only to pay the expenses of the commissioner's office  
22 in discharging the administrative and regulatory duties that are required to meet the minimum financial  
23 regulatory standards established by the national association of insurance commissioners, subject to the  
24 applicable laws relating to the appropriation of state funds and to the deposit and expenditure of money.  
25 The commissioner is responsible for the proper expenditure of the accreditation money.

26 (5) All fees are considered fully earned when received. In the event of overpayment, only those  
27 amounts in excess of \$10 will be refunded."

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29                   **Section 2.** Section 33-17-1203, MCA, is amended to read:

30 "33-17-1203. Continuing education -- basic requirements -- exceptions. (1) Unless exempt under

1 subsection (4):

2 (a) a person licensed to act as an insurance producer for property, casualty, surety, or title  
3 insurance or as a consultant for general insurance shall, during each calendar year, complete at least 10  
4 credit hours of approved continuing education;

5 (b) subject to the provisions of subsection (1)(d), a person licensed to act as an insurance producer  
6 for life, OR disability, or credit life and disability insurance or as a consultant for life insurance shall, during  
7 each calendar year, complete at least 10 credit hours of approved continuing education;

8 (c) a person holding multiple licenses shall, during each calendar year, complete at least 15 credit  
9 hours of approved continuing education;

10 (d) a person licensed to act as an insurance producer only for credit life and disability insurance  
11 shall, during each calendar year, complete 5 credit hours of approved continuing education in the areas  
12 of insurance law, ethics, or credit life and disability insurance;

13 (e) a person licensed as an insurance producer or consultant shall, during each biennium, complete  
14 at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and  
15 administrative rules.

16 (2) If a person licensed as an insurance producer or consultant completes more credit hours of  
17 approved continuing education in a year than the minimum required in subsection (1), the excess credit  
18 hours may be carried forward and applied to the continuing education requirements of the next year.

19 (3) The commissioner may, for good cause shown, grant an extension of time, not to exceed 1  
20 year, during which the requirements imposed by subsection (1) may be completed.

21 (4) The minimum continuing education requirements do not apply to:

22 (a) a person licensed to sell any kind of insurance for which an examination is not required under  
23 33-17-212(7)(d) through (7)(g);

24 (b) a person holding a temporary license issued under 33-17-216;

25 (c) a nonresident licensee who must meet continuing education requirements in the licensee's state  
26 of residence if that state accords substantially similar privileges to and has similar requirements of residents  
27 of this state;

28 (d) a newly licensed insurance producer or consultant during the calendar year in which the  
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30 (e) an insurance producer or consultant otherwise exempted by the commissioner; or

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**Section 3.** Section 33-30-312, MCA, is amended to read:

5                   "33-30-312. Insurance producer -- filing with and approval by commissioner -- license. (1) Each  
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8 notice ~~shall~~ must be accompanied by a written application, upon a form furnished by the commissioner,  
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10 person named is a constituted insurance producer of the corporation in this state if, upon receipt of this  
11 written notice, when accompanied by the proper fee, it appears that:

12 (a) the appointee is a competent and suitable person who intends to ~~hold himself out~~ act in good  
13 faith as the corporation's insurance producer; and

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22 (3) Upon receipt by the commissioner of notification from a health service corporation that the  
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24 temporary insurance producer's license until the commissioner notifies the corporation of action taken upon  
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NEW SECTION. **Section 4. Repealer.** Sections 33-17-207, 33-17-208, and 33-17-209, MCA, are repealed.

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18 all other documents and filings required in connection with the application and for issuance of an original  
19 certificate of authority, if issued:

20 (A) domestic insurers ..... \$ 600.00

21 (B) foreign insurers ..... 600.00

22 (ii) annual continuation of certificate of authority ..... 600.00

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17	(vi) termination of insurance producer, each insurer, electronically filed .....	10.00
18	(vii) termination of insurance producer, each insurer, nonelectronically filed .....	15.00
19	(g) examination, if administered by the commissioner, for license as insurance producer, each	
20	examination .....	15.00
21	(h) surplus lines insurance producer license:	
22	(i) application for original license and for issuance of license, if issued .....	50.00
23	(ii) annual renewal of license .....	50.00
24	(i) adjuster's license:	
25	(i) application for original license and for issuance of license, if issued .....	15.00
26	(ii) annual renewal of license .....	15.00
27	(j) insurance vending machine license, each machine, each year .....	10.00
28	(k) commissioner's certificate under seal (except when on certificates of authority or license)	5.00
29	(l) copies of documents on file in the commissioner's office, per page .....	.50
30	(m) policy forms:	

1	(i) filing each policy form . . . . .	25.00
2	(ii) filing each application, certificate, enrollment form, rider, endorsement, amendment, insert	
3	page, schedule of rates, and clarification of risks . . . . .	10.00
4	(iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval	
5	within 180 days . . . . .	100.00
6	<del>(a) applications for approval of prelicensing education courses:</del>	
7	<del>(i) reviewing initial application</del>	150.00

9 (2) The commissioner shall establish by rule fees commensurate with costs for filing documents  
10 and conducting the course reviews required by 33-17-1204 and 33-17-1205.

11 (3) The commissioner shall establish by rule an annual accreditation fee to be paid by each  
12 domestic and foreign insurer when it submits a fee for annual continuation of its certificate of authority.

13 (4) (a) Except as provided in subsection (4)(b), the commissioner shall promptly deposit with the  
14 state treasurer to the credit of the general fund of this state all fines and penalties, those amounts received  
15 pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges  
16 that are collected by the commissioner pursuant to Title 33 and the rules adopted under Title 33, except  
17 that all fees for filing documents and conducting the course reviews required by 33-17-1204 and  
18 33-17-1205 must be deposited in the state special revenue fund pursuant to 33-17-1207.

19 (b) The accreditation fee required by subsection (3) must be turned over promptly to the state  
20 treasurer who shall deposit the money in the state special revenue fund to the credit of the commissioner's  
21 office. The accreditation fee funds must be used only to pay the expenses of the commissioner's office  
22 in discharging the administrative and regulatory duties that are required to meet the minimum financial  
23 regulatory standards established by the national association of insurance commissioners, subject to the  
24 applicable laws relating to the appropriation of state funds and to the deposit and expenditure of money.  
25 The commissioner is responsible for the proper expenditure of the accreditation money.

26 (5) All fees are considered fully earned when received. In the event of overpayment, only those  
27 amounts in excess of \$10 will be refunded.\*

28

29                   **Section 2.** Section 33-17-1203, MCA, is amended to read:

30 "33-17-1203. Continuing education -- basic requirements -- exceptions. (1) Unless exempt under

1 subsection (4):

2 (a) a person licensed to act as an insurance producer for property, casualty, surety, or title  
3 insurance or as a consultant for general insurance shall, during each calendar year, complete at least 10  
4 credit hours of approved continuing education;

5 (b) subject to the provisions of subsection (1)(d), a person licensed to act as an insurance producer  
6 for life, ~~OR disability, or credit life and disability~~ insurance or as a consultant for life insurance shall, during  
7 each calendar year, complete at least 10 credit hours of approved continuing education;

8 (c) a person holding multiple licenses shall, during each calendar year, complete at least 15 credit  
9 hours of approved continuing education;

10 (d) a person licensed to act as an insurance producer only for credit life and disability insurance  
11 shall, during each calendar year, complete 5 credit hours of approved continuing education in the areas  
12 of insurance law, ethics, or credit life and disability insurance;

13 (e) a person licensed as an insurance producer or consultant shall, during each biennium, complete  
14 at least 1 credit hour of approved continuing education on changes in Montana insurance statutes and  
15 administrative rules.

16 (2) If a person licensed as an insurance producer or consultant completes more credit hours of  
17 approved continuing education in a year than the minimum required in subsection (1), the excess credit  
18 hours may be carried forward and applied to the continuing education requirements of the next year.

19 (3) The commissioner may, for good cause shown, grant an extension of time, not to exceed 1  
20 year, during which the requirements imposed by subsection (1) may be completed.

21 (4) The minimum continuing education requirements do not apply to:

22 (a) a person licensed to sell any kind of insurance for which an examination is not required under  
23 33-17-212(7)(d) through (7)(g);

24 (b) a person holding a temporary license issued under 33-17-216;

25 (c) a nonresident licensee who must meet continuing education requirements in the licensee's state  
26 of residence if that state accords substantially similar privileges to and has similar requirements of residents  
27 of this state;

28 (d) a newly licensed insurance producer or consultant during the calendar year in which the  
29 licensee first received a license; ~~OR~~

30 (e) an insurance producer or consultant otherwise exempted by the commissioner; ~~or~~

1        ~~(f) a person selling only credit life and disability insurance incidental to other noninsurance~~  
2        ~~activities."~~

3

4        **Section 3.** Section 33-30-312, MCA, is amended to read:

5        **"33-30-312. Insurance producer -- filing with and approval by commissioner -- license.** (1) Each  
6        corporation subject to the provisions of this chapter shall notify the commissioner through its proper officer  
7        or agent of the name, title, and address of each person it desires appointed as an insurance producer. The  
8        notice ~~shall~~ must be accompanied by a written application, upon a form furnished by the commissioner,  
9        from the appointee. The commissioner shall issue to that appointee a license ~~which states~~ stating that the  
10      person named is a constituted insurance producer of the corporation in this state if, upon receipt of this  
11      written notice, when accompanied by the proper fee, it appears that:

12        (a) the appointee is a competent and suitable person who intends to ~~hold himself out as~~ in good  
13      faith as the corporation's insurance producer; and

14        (b) the appointee qualifies under the provisions of this section.

15        (2) For ~~appointees~~ an appointee who ~~have~~ has not acted as an insurance producer for a health  
16      service corporation for a period of 2 years prior to July 1, 1975, if ~~he~~ she considers it desirable, the  
17      commissioner may require ~~an~~ the appointee to submit to an examination to determine the qualifications  
18      of the appointee to act as an insurance producer in this state. This examination must be the same as given  
19      to applicants for a disability insurance producer license as provided for in 33-17-212 through 33-17-214.  
20      ~~A person required to take this examination must fulfill the prelicensing education requirement set by~~  
21      33-17-208.

22        (3) Upon receipt by the commissioner of notification from a health service corporation that the  
23      corporation desires a particular individual to be appointed as its insurance producer, that person has a  
24      temporary insurance producer's license until the commissioner notifies the corporation of action taken upon  
25      the application. If the commissioner rejects the application, the prospective appointee's eligibility to act  
26      as an insurance producer ceases on the day the corporation is notified of rejection."

27

28        **NEW SECTION.** **Section 4. Repealer.** Sections 33-17-207, 33-17-208, and 33-17-209, MCA, are  
29      repealed.

30        -END-