

## Chapter 102

**(Senate Bill 29)**

AN ACT concerning

**Insurance – Licensure of Insurance Producers and Public Adjusters –  
Continuing Education Requirements**

FOR the purpose of requiring insurance producers and public adjusters to complete the continuing education required under certain provisions of law not later than a certain number of days before the expiration of the license; requiring, rather than authorizing, the Commissioner to adopt certain regulations; requiring that certain regulations require providers of continuing education to submit certain evidence to the Maryland Insurance Commissioner within a certain time period; requiring the Commissioner to study and report on the adequacy and effectiveness of certain course offerings to certain committees of the General Assembly on or before a certain date; providing for a delayed effective date *for certain provisions of this Act*; and generally relating to the licensure of insurance producers and public adjusters.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 10–116 and 10–408

Annotated Code of Maryland

(2017 Replacement Volume and 2018 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
That the Laws of Maryland read as follows:

**Article – Insurance**

10–116.

(a) (1) Subject to subsections (b) and (c) of this section, the Commissioner shall require an insurance producer to receive continuing education as a condition of renewing the license of the insurance producer.

**(2) AN INSURANCE PRODUCER SHALL COMPLETE THE CONTINUING EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION NOT LATER THAN ~~30~~ 15 DAYS BEFORE THE EXPIRATION DATE OF THE INSURANCE PRODUCER'S LICENSE.**

**[(2)] (3)** (i) The Commissioner may not require an individual who holds a license to receive more than 24 hours of continuing education per renewal period.

(ii) If the individual holds a title insurance producer license, the Commissioner may not require the insurance producer to receive more than 16 hours of continuing education per renewal period.

(iii) If an insurance producer has held a license for 25 or more consecutive years as of October 1, 2008, the Commissioner may not require the insurance producer to receive more than 8 hours of continuing education per renewal period.

(iv) The Commissioner may not require an insurance producer to receive more than 16 hours of continuing education in a renewal period if the insurance producer is also a licensed funeral director or licensed mortician who:

1. sells only life insurance policies or annuity contracts that fund a pre-need contract as defined in § 7-101 of the Health Occupations Article; and
2. is not a viatical settlement broker as defined in § 8-601 of this article.

(v) Of the required hours of continuing education per renewal period required under subparagraphs (i), (ii), (iii), and (iv) of this paragraph, at least 3 hours shall relate directly to ethics.

**[(3)] (4)** Subject to paragraph **[(4)] (5)** of this subsection, an insurance producer may satisfy the continuing education requirements of this subsection by submitting to the Commissioner or Commissioner's designee:

(i) proof that the insurance producer has completed the required hours of continuing education for the applicable renewal period; or

(ii) proof that the insurance producer has completed at least 8 hours of continuing education for the applicable renewal period and an affidavit that, over the previous 25 consecutive years, the insurance producer continually:

1. has held a license in the State; and
2. has been employed in the selling of insurance in the State.

**[(4)] (5)** (i) To increase the level of education of insurance producers, an insurance producer shall obtain continuing education in the kind or subdivision of insurance for which the insurance producer has received a license.

(ii) Each insurance producer who possesses a license to sell health insurance and who sells long-term care insurance shall receive continuing education that directly relates to long-term care insurance.

(iii) Each insurance producer who possesses a license to sell property and casualty insurance and who sells flood insurance shall receive continuing education that directly relates to flood insurance.

(iv) Each insurance producer who possesses a license to sell property and casualty insurance and who sells, solicits, or negotiates bail bonds shall receive continuing education that directly relates to bail bond insurance.

(v) Each insurance producer who possesses a license to sell health insurance and who markets the Senior Prescription Drug Assistance Program or assists a Medicare beneficiary to enroll in the Senior Prescription Drug Assistance Program shall receive continuing education that directly relates to the Senior Prescription Drug Assistance Program.

**[(5) (6)]** If continuing education is required, the Commissioner may grant a waiver to an insurance producer who has requested a waiver for reasons that the Commissioner determines warrant the waiver.

**[(6) (7)]** An insurer may not prohibit one of its insurance producers from obtaining continuing education credits from any course approved by the Commissioner.

(b) The following individuals are exempt from the continuing education requirements under this section:

(1) employees of a health maintenance organization who are employed solely to solicit membership in the health maintenance organization under a contract between the health maintenance organization and the Maryland Department of Health;

(2) attorneys at law of the State who are qualified as title insurance producers and who do not hold a license in any other kind or subdivision of insurance;

(3) individuals who hold only a limited lines license to act as an insurance producer for limited line credit insurance; and

(4) insurance producers who hold only a limited lines license in any type of insurance designated by the Commissioner.

(c) A nonresident licensee shall be deemed to have met the continuing education requirements of this section if:

(1) the nonresident licensee satisfies the continuing education requirements of the home state of the nonresident licensee; and

(2) the home state of the nonresident licensee allows an insurance producer who is a resident of this State to satisfy the continuing education requirements of the home state on the same basis by meeting the continuing education requirements of this State.

(d) (1) The Commissioner may review all continuing education courses submitted and approve or disapprove courses.

(2) The Commissioner may not disapprove a continuing education course solely on the basis of the methodology or technology used to deliver instruction to individuals taking the course.

(d-1) (1) An insurance producer may obtain all or part of the credit hours of continuing education required for renewal of a license under this section from correspondence courses or online courses approved by the Commissioner.

(2) This subsection applies to all insurance producers who are required to receive continuing education as a condition of license renewal under this section, regardless of the kind or subdivision of insurance for which the insurance producer has received a license.

(e) **(1)** The Commissioner ~~may~~ **SHALL** adopt regulations to carry out this section.

**(2) THE REGULATIONS ADOPTED BY THE COMMISSIONER UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REQUIRE PROVIDERS OF CONTINUING EDUCATION TO SUBMIT EVIDENCE OF COURSE COMPLETION TO THE COMMISSIONER OR THE COMMISSIONER'S DESIGNEE WITHIN 10 DAYS AFTER COMPLETING A COURSE OF CONTINUING EDUCATION.**

(f) This section does not limit the authority of the Commissioner to review, approve, or disapprove continuing education courses, examinations, and other matters relating to the education and qualification of insurance producers.

10-408.

(a) A license expires every other year on the date stated on the license unless renewed as provided in this section.

(b) At least 1 month before a license expires, the Commissioner shall send to the holder of the license, at the last known address or e-mail address of the holder on record a notice that states:

(1) the process for renewing the license;

(2) the date by which the Commissioner must receive the renewal application for the renewal to be issued and mailed before the license expires; and

(3) the amount of the renewal fee.

(c) Before a license expires, the holder of the license may renew it for an additional 2-year term, if the holder:

- (1) otherwise is entitled to a license;
- (2) files with the Commissioner a renewal application:
  - (i) on the form that the Commissioner provides; or
  - (ii) in an electronic format that the Commissioner approves;
- (3) completes the continuing education requirements under subsection (e) of this section; and
- (4) pays to the Commissioner the renewal fee required by § 2-112 of this article.

(d) A license renewed under this section for an individual shall have an expiration date that is the last day of the month in which the license holder was born.

(e) (1) The Commissioner shall require a public adjuster who is not a business entity to receive continuing education as a condition of renewing a license of the public adjuster.

**(2) A PUBLIC ADJUSTER SHALL COMPLETE THE CONTINUING EDUCATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION NOT LATER THAN 30 DAYS BEFORE THE EXPIRATION DATE OF THE PUBLIC ADJUSTER'S LICENSE.**

**[(2)] (3)** The public adjuster shall successfully complete 24 credit hours of approved continuing education for each 2-year license period as a condition for license renewal unless the Commissioner modifies the requirement by regulation.

**[(3)] (4)** Of the required hours of continuing education required for a renewal period under paragraph **[(2)] (3)** of this subsection, at least 3 hours shall relate directly to ethics.

**[(4)] (5)** The Commissioner may grant a waiver to a public adjuster who has requested a waiver for reasons that the Commissioner determines warrant the waiver.

**[(5)] (6)** This subsection may not apply to a holder of a license who has not been licensed for 1 full year before the end of the applicable continuing education period.

(f) A nonresident license holder shall be deemed to have met the continuing education requirements of this section if:

(1) the nonresident license holder satisfies the continuing education requirements of the home state of the nonresident license holder; and

(2) the home state of the nonresident license holder allows a public adjuster who is a resident of this State to satisfy the continuing education requirements of the home state on the same basis by meeting the continuing education requirements of this State.

(g) (1) If mailed, an application for renewal of a license shall be considered made in a timely manner if it is postmarked on or before the expiration date of the license.

(2) If submitted electronically, an application for renewal shall be considered made in a timely manner if, on or before the expiration date of the license, the application:

(i) is addressed properly or otherwise directed properly to an information processing system that the Administration has designated or uses for the purpose of receiving electronic applications and from which the Administration is able to retrieve the application;

(ii) is in a form capable of being processed by that system; and

(iii) 1. enters an information processing system outside the control of the sender or of a person that sent the electronic application on behalf of the sender; or

2. enters a region of the information processing system designated or used by the Administration that is under the control of the Administration or an agent of the Administration.

(h) (1) The Commissioner shall renew the license of each holder who meets the requirements of this section.

(2) If the holder of a license files an application for renewal before the license expires, the license shall remain in effect until:

(i) the Commissioner issues a renewal license; or

(ii) 5 days after the Commissioner refuses in writing to renew the license and serves notice of the refusal on the holder.

(i) The Commissioner may adopt regulations to carry out this section.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2019, the Maryland Insurance Commissioner, in consultation with the Independent Insurance Agents of Maryland, the Insurance Agents and Brokers of Maryland, the Maryland Association of Health Underwriters, and the National Association of Insurance

and Financial Advisors of Maryland, shall study and report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2-1246 of the State Government Article, on the adequacy and effectiveness of course offerings for insurance producer continuing education in the State, including an examination of the role of organizations of insurance producers in providing and reviewing such course offerings.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That *Section 1* of this Act shall take effect January 1, 2020.

*SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect June 1, 2019.*

**Approved by the Governor, April 18, 2019.**