

SENATE BILL 616

C4, J2

9lr2799
CF HB 246

By: ~~Senator Glassman~~ **Senators Glassman, Middleton, Exum, Garagiola,
Kelley, Klausmeier, and Pugh**

Introduced and read first time: February 6, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2009

CHAPTER _____

1 AN ACT concerning

2 **Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral**
3 **Directors and Morticians**

4 FOR the purpose of ~~exempting~~ prohibiting the Maryland Insurance Commissioner
5 from requiring an insurance producer to receive more than a certain number of
6 hours of continuing education in a certain period if the insurance producer is
7 also a ~~certain~~ licensed funeral ~~directors and~~ director or ~~certain~~ licensed
8 morticians ~~mortician~~ who ~~sell~~ sells only certain life insurance policies or
9 annuity contracts for a certain purpose ~~from continuing education requirements~~
10 for insurance producers and is not a viatical settlement broker; and generally
11 relating to continuing education for insurance producers.

12 BY repealing and reenacting, with amendments,
13 Article – Insurance
14 Section 10–116
15 Annotated Code of Maryland
16 (2003 Replacement Volume and 2008 Supplement)

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

19 **Article – Insurance**

20 10–116.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

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

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

13 (iv) **THE COMMISSIONER MAY NOT REQUIRE AN INSURANCE**
14 **PRODUCER TO RECEIVE MORE THAN 16 HOURS OF CONTINUING EDUCATION IN**
15 **A RENEWAL PERIOD IF THE INSURANCE PRODUCER IS ALSO A LICENSED**
16 **FUNERAL DIRECTOR OR LICENSED MORTICIAN WHO:**

17 **1. SELLS ONLY LIFE INSURANCE POLICIES OR**
18 **ANNUITY CONTRACTS THAT FUND A PRE-NEED CONTRACT AS DEFINED IN §**
19 **7-101 OF THE HEALTH OCCUPATIONS ARTICLE; AND**

20 **2. IS NOT A VIATICAL SETTLEMENT BROKER AS**
21 **DEFINED IN § 8-601 OF THIS ARTICLE.**

22 (v) Of the required hours of continuing education per renewal
23 period required under subparagraphs (i), (ii), ~~and (iii)~~ **(III), AND (IV)** of this
24 paragraph, at least 3 hours shall relate directly to ethics.

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

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

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

33 1. has held a license in the State; and

34 2. has been employed in the selling of insurance in the
35 State.

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

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

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

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

13 (6) An insurer may not prohibit one of its insurance producers from
 14 obtaining continuing education credits from any course approved by the
 15 Commissioner.

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

18 (1) employees of a health maintenance organization who are employed
 19 solely to solicit membership in the health maintenance organization under a contract
 20 between the health maintenance organization and the Department of Health and
 21 Mental Hygiene;

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

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

26 (4) insurance producers who hold only a limited lines license in any
 27 type of insurance designated by the Commissioner; ~~AND~~

28 ~~(5) LICENSED FUNERAL DIRECTORS OR LICENSED MORTICIANS~~
 29 ~~WHO SELL ONLY LIFE INSURANCE POLICIES OR ANNUITY CONTRACTS THAT:~~

30 ~~(I) FUND A PRE-NEED CONTRACT AS DEFINED UNDER §~~
 31 ~~7-101 OF THE HEALTH OCCUPATIONS ARTICLE; OR~~

32 ~~(II) FUND PAYMENT OF BENEFITS USED ONLY TO OBTAIN~~
 33 ~~FUNERAL GOODS AND SERVICES ON THE DEATH OF AN INDIVIDUAL.~~

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

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

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

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

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

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

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2009.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.