

By: Representative Hawkins

"AN ACT TO PROVIDE FOR THE CONTINUING EDUCATION OF LICENSED INSURANCE AGENTS, SOLICITORS AND BROKERS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) Beginning July 1, 1990, each insurance agent, solicitor, consultant and broker, unless exempt under subsection (f) or (g) of this section, licensed to sell insurance in this state shall successfully complete courses of instruction as required by this section. Any person licensed to act as an insurance agent, solicitor, consultant or broker shall, during each consecutive period of two (2) calendar years during the duration of his license, satisfactorily complete courses or programs of instruction equivalent to a minimum of sixteen (16) hours of instruction for a life or disability license or both, and a minimum of sixteen (16) hours of instruction for a property and casualty license. Persons holding dual licenses for life and disability or life or disability and property and casualty shall be required to complete courses of instruction for a total of twenty (20) hours.

(b) Subject to approval of the Commissioner, the courses or programs of instruction or parts thereof which shall be deemed to meet the Commissioner's standards for continuing education required hereunder shall include, but not be limited to, the following:

- (1) American College Courses (CLU, ChFC);
- (2) Life Underwriters Training Council (LUTC);
- (3) Certified Insurance Counselor (CIC);
- (4) Chartered Property & Casualty Underwriter (CPCU);
- (5) Insurance Institute of America (IAA);
- (6) Certified Health Consultant (CHC);
- (7) Registered Health Underwriter (RHU);
- (8) An insurance related course or program of instruction taught by

an accredited college, university, or other educational institution in this state having a comprehensive course of instruction approved and certified by the Commissioner;

(9) A course or program of instruction developed or sponsored by any authorized insurer, recognized agents' association or insurance trade association.

(10) The number of classroom hours for which credit shall be given for such courses or programs of instruction shall be as determined by the Commissioner.

(c) A person teaching any approved course or program of instruction shall be allowed credit for the same number of classroom hours as would be granted a person taking and successfully completing such course or program.

(d) For good cause shown, the Commissioner may grant an extension of time during which the educational requirements imposed by this section may be completed, but such extension of time shall not exceed a period of one (1) calendar year.

(e) Every person subject to the provisions of this section shall furnish in a form satisfactory to the Commissioner, written certification as to the courses or programs of instruction taken and successfully completed by such

persons. A filing fee shall be paid by the person furnishing the certification in an amount determined by the Commissioner to be sufficient to cover the administrative costs related to the handling of such certification.

(f) The provisions of this section shall not apply to :

(1) those natural persons holding licenses for any kind or kinds of insurance for which an examination is not required by the laws of this State,
(2) any limited or restricted license the Commissioner may exempt,
(3) any natural person who is at least sixty (60) years of age,
(4) any natural person who has held a license as an agent, solicitor, consultant or broker for a period of at least fifteen (15) consecutive years, and

(5) any third party administrator who does not solicit business.

(g) The provisions of this section shall not apply to non-resident agents, solicitors, consultants or brokers.

(h) Newly licensed agents, solicitors or brokers shall not be required to meet the requirements of this section until the first calendar year after the end of the calendar year in which the applicant first received an Arkansas license.

(i) Rules and regulations necessary and appropriate to implement and administer this section shall be promulgated by the Commissioner.

(1) The Insurance Advisory Examining Board provided for in A.C.A. 23-64-201 may be utilized by the Commissioner to assist him in determining acceptable content and classroom credit of courses or programs of instruction.

(2) The Commissioner shall determine the amount of the filing fee which shall not substantially exceed the cost of administering this section.

(j) All funds received pursuant to the provisions of this section shall be transmitted by the Commissioner to the State Treasurer to the credit of an account or fund to be entitled "Insurance Continuing Education Trust Fund," which is hereby established. All expenditures disbursed pursuant to this section shall be paid from funds appropriated from the Insurance Continuing Education Trust Fund by the General Assembly.

(k) The Commissioner may suspend the license of any agent, solicitor, consultant or broker who has failed to comply with the provisions of this section within ninety (90) days after January 1, 1993, or within ninety (90) days of the first day of January of each year thereafter. Such suspension shall be accomplished in the following manner:

(1) If an agent, solicitor, consultant or broker fails to furnish the written certification required by this section within ninety (90) days after the first day of January, the Commissioner shall issue an order to show cause why the license of such individual should not be suspended. The order to show cause shall state that the individual has the right to a public hearing before the Commissioner if a written request is delivered to the Commissioner within thirty (30) days from the date of mailing of the order to show cause. Upon request of such individual within such thirty (30) day period, the Commissioner may extend the time for filing such certification for an additional ninety (90) days. The notice shall be mailed by first class mail to the last known address contained in the licensing records of the Department.

(2) If the Commissioner fails to receive a request for such extension or for a hearing within such thirty (30) day period, he shall enter an order suspending the individual's license and mail a copy thereof to such person.

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: March 9, 1989
