

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Bryan**

**A BILL ACT 337 OF 1991**  
**HOUSE BILL 1496**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE SECTION 23-74-609  
9 CONCERNING LICENSING OF FRATERNAL BENEFIT SOCIETY AGENTS;  
10 AND FOR OTHER PURPOSES."

11

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

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14 SECTION 1. Arkansas Code 23-74-609 is hereby amended to read as  
15 follows:

16 "23-74-609. Licensing of agents.

17 (a) (1) Agents of societies shall be licensed in accordance with the  
18 provisions of the laws regulating the licensing, revocation, suspension, or  
19 termination of license of resident and nonresident agents; provided that:

20 (A) No examination shall be required to maintain or renew a  
21 license for agents of societies who held a license on December 31, 1989; and

22 (B) No examination shall be required to obtain a license  
23 or to renew a license thereby obtained for agents of societies applying for  
24 license on or after January 1, 1990 and before July 1, 1991.

25 (b) No examination or license shall be required of any regular  
26 salaried officer, employee, or member of a licensed society who devotes  
27 substantially all of his or her services to activities other than the  
28 solicitation of fraternal insurance contracts from the public, and who  
29 receives for the solicitation of such contracts no commission or other  
30 compensation directly dependent upon the amount of business obtained.

31 (c) No examination or license shall be required of any agent or  
32 representative of a society who devotes, or intends to devote, less than fifty  
33 percent (50%) of his time to solicitation and procurement of insurance  
34 contracts for the society. Except that any person who in the immediately  
35 preceding calendar year solicited and procured life insurance contracts on  
36 behalf of any society in an amount of insurance in excess of fifty thousand

1 dollars (\$50,000), or, in the case of any other kinds of insurance which the  
2 society writes, on the persons of more than twenty-five (25) individuals and  
3 who received or will receive a commission or other compensation therefor, is  
4 presumed to be devoting or intending to devote, fifty percent (50%) of his  
5 time to the solicitation or procurement of insurance contracts for the  
6 society."

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

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12 SECTION 3. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

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18 SECTION 4. All laws or parts of laws in conflict with this act are  
19 hereby repealed.

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21 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
22 Assembly of the State of Arkansas that the present law on the licensing of  
23 agents of fraternal benefit societies is inadequate for the protection of the  
24 public and the immediate passage of this act is necessary in order to provide  
25 for the protection of the public. Therefore, an emergency is hereby declared  
26 to exist and this act being immediately necessary for the preservation of the  
27 public peace, health and safety shall be in full force and effect from and  
28 after its passage and approval.

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30 APPROVED: 3-4-91  
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