

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

# A Bill

HOUSE BILL 2750

5 By: Representative Napper  
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7

## For An Act To Be Entitled

9 AN ACT TO ADOPT THE NATIONAL ASSOCIATION OF  
10 INSURANCE COMMISSIONERS' VIATICAL SETTLEMENTS  
11 ACT; TO REPEAL ARKANSAS CODE § 23-81-501 through  
12 23-81-512; AND FOR OTHER PURPOSES.  
13

## Subtitle

14 AN ACT TO ADOPT THE NATIONAL ASSOCIATION  
15 OF INSURANCE COMMISSIONERS' VIATICAL  
16 SETTLEMENTS ACT.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 23, Chapter 81, is amended to add a new  
23 subchapter to read as follows:

24 23-81-601. Short title.

25 This subchapter may be cited as the "Viatical Settlements Act".  
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27 23-81-602. License requirements.

28 (a)(1) A person shall not operate as a viatical settlement provider or  
29 viatical settlement broker, who is not also licensed by the State Insurance  
30 Department to sell life or disability policies in this state, without first  
31 obtaining a license from the Insurance Commissioner of the state of residence  
32 of the viator.

33 (2) If there is more than one (1) viator on a single policy and  
34 the viators are residents of different states, the viatical settlement shall  
35 be governed by the law of the state in which the viator having the largest  
36 percentage ownership resides.



1           (3) If the viators hold equal ownership, the viatical settlement  
2 shall be governed by the laws of the state of the residence of one (1) viator  
3 that is agreed upon in writing by all viators.

4           (b) Application for a viatical settlement provider or viatical  
5 settlement broker license shall be made to the commissioner by the applicant  
6 on a form prescribed by the commissioner, and these applications shall be  
7 accompanied by the fees specified in State Insurance Department Rule 57,  
8 entitled "Insurance Department Administrative and Regulatory Fees".

9           (c) Licenses may be renewed from year to year on the anniversary date  
10 upon payment of the annual renewal fees specified in Rule 57. The failure to  
11 pay the fees by the renewal date results in expiration of the license.

12           (d) The applicant shall provide information on forms required by the  
13 commissioner. The commissioner shall have authority, at any time, to require  
14 the applicant to fully disclose the identity of all stockholders, partners,  
15 officers, members and employees, and the commissioner may, in the exercise of  
16 the commissioner's discretion, refuse to issue a license in the name of a  
17 legal entity if the commissioner is not satisfied that any officer, employee,  
18 stockholder, partner, or member thereof who may materially influence the  
19 applicant's conduct meets the standards of this subchapter.

20           (e) A license issued under this subchapter to a legal entity  
21 authorizes any partner, officer, member, or designated employee to act as a  
22 viatical settlement provider or viatical settlement broker. All partners,  
23 officers, members, or designated employees shall be named in the application  
24 and any supplements to the application.

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