

CHAPTER 31

INSURANCE

HOUSE BILL 95-1230

BY REPRESENTATIVES Schwarz, Moellenberg, and Musgrave;
also SENATOR Bishop.

AN ACT

CONCERNING THE RESTORATION OF PROVISIONS INADVERTENTLY OMITTED IN THE 1993 RECODIFICATION OF THE INSURANCE PRODUCER LICENSING STATUTES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 10-2-301, Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

10-2-301. Continuing education requirement - advisory committee.

(6.5) (a) CONTINUING EDUCATION COURSE INSTRUCTION, CONTENT, OUTLINE, AND COURSE PROVIDERS ARE SUBJECT TO INITIAL APPROVAL BY THE COMMISSIONER AND, AT THE DISCRETION OF THE COMMISSIONER, ARE SUBJECT TO PERIODIC REVIEW FOR CONTINUATION.

(b) IF, UPON REVIEW, THE COMMISSIONER DETERMINES THAT A CONTINUING EDUCATION COURSE OR PROGRAM IS NOT IN COMPLIANCE WITH ALL APPLICABLE STANDARDS, AS SET FORTH BY RULE, THE COMMISSIONER MAY ORDER THE COURSE OR PROGRAM TO BE DISCONTINUED OR REVOKE APPROVAL OF THE COURSE PROVIDER, OR BOTH.

SECTION 2. 10-2-702, Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

10-2-702. Commissions. No insurer or insurance producer shall pay, directly or indirectly, any commission, service fee, brokerage, or other valuable consideration to any person for services as an insurance producer within this state unless, ~~such person held, at the time such services were performed, a valid license for the line or lines of insurance as required by the laws of this state~~ SUCH PERSON WAS A DULY LICENSED INSURANCE PRODUCER UNDER THIS ARTICLE FOR THE PERFORMANCE OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SUCH SERVICES. IN ADDITION, no person, other than a person appropriately licensed by this state as an insurance producer at the time such services were performed, shall accept any such ~~commission, service fee, brokerage, or other valuable~~ consideration; ~~for such services~~ EXCEPT THAT ANY PERSON DULY LICENSED UNDER THIS ARTICLE MAY PAY OR ASSIGN SUCH PERSON'S COMMISSIONS TO, OR DIRECT THAT SUCH PERSON'S COMMISSIONS BE PAID TO, A PARTNERSHIP OF WHICH THE PERSON IS A MEMBER, EMPLOYEE, OR AGENT OR TO A CORPORATION OF WHICH THE PERSON IS AN OFFICER, EMPLOYEE, OR AGENT. This section shall not prevent payment or receipt of renewal or other deferred commissions to or by any person entitled thereto under this section.

SECTION 3. 10-2-403 (1) (c), Colorado Revised Statutes, 1994 Repl. Vol., is amended to read:

10-2-403. Exemption from license examination. (1) The following applicants shall be exempt from the written examination requirements set forth in section 10-4-402:

(c) An individual applicant who holds the designation of chartered life underwriter ("CLU"); except that such individual is NOT exempt ~~only~~ from that portion of the examination pertaining to Colorado laws and rules pertinent to life insurance and health coverage insurance;

SECTION 4. 10-2-413 (1), Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

10-2-413. Fees. (1) The commissioner shall, by rule, set reasonable fees for the following:

(t) REGISTRATION OF A CONTINUING EDUCATION COURSE OR PROGRAM;

(u) RENEWAL OF REGISTRATION OF A CONTINUING EDUCATION COURSE OR PROGRAM.

SECTION 5. Part 4 of article 2 of title 10, Colorado Revised Statutes, 1994 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

10-2-417. Public insurance adjuster - license required. NO PERSON SHALL ACT OR HOLD ONESELF OUT TO BE A PUBLIC INSURANCE ADJUSTER ADJUSTING CLAIMS FOR LOSSES OR DAMAGES ARISING OUT OF POLICIES OF FIRE AND ALLIED LINES INSURANCE EMPLOYED BY AND REPRESENTING SOLELY THE INTEREST OF THE NAMED INSURED IN A POLICY OF FIRE AND ALLIED LINES INSURANCE UNLESS LICENSED THEREFOR. THE COMMISSIONER MAY ACCEPT APPLICATION OF ANY PERSON TO ACT AS A PUBLIC INSURANCE ADJUSTER. THE COMMISSIONER MAY PROMULGATE SUCH RULES AS ARE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION, INCLUDING ESTABLISHING NONREFUNDABLE FEES AND TESTING REQUIREMENTS FOR ALL APPLICANTS FOR LICENSURE.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 30, 1995