

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1159
Committee Substitute Favorable 4/20/09
PROPOSED COMMITTEE SUBSTITUTE H1159-PCS30383-LA-15

Short Title: Insurance Licensing Changes.-AB

(Public)

Sponsors:

Referred to:

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAWS ON INSURANCE BUSINESS ENTITY LICENSES; TO
3 PROVIDE FOR ELECTRONIC FILINGS WITH THE DEPARTMENT OF INSURANCE;
4 AND TO CLARIFY THE LAW ON APPOINTMENT OF AGENTS BY INSURANCE
5 COMPANIES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 58-33-26(j) reads as rewritten:

8 "(j) A business entity that sells, solicits, or negotiates insurance shall be licensed in
9 accordance with G.S. 58-33-31(b). Every member of the partnership and every officer, director,
10 stockholder, and employee of the business entity personally engaged in this State in selling,
11 soliciting, or negotiating policies of insurance shall qualify as an individual licensee. A
12 business entity license shall expire on ~~April 1~~ March 31 of each year unless the business entity
13 pays the renewal fee."

14 **SECTION 2.** Article 2 of Chapter 58 of the General Statutes is amended by adding
15 a new section to read:

16 "**§ 58-2-250. Electronic filings.**

17 (a) As used in this section:

18 (1) "Commissioner's designee" includes the National Insurance Producer
19 Registry of the NAIC.

20 (2) "License" includes any license, certificate, registration, or permit issued
21 under this Chapter.

22 (3) "Licensee" means any person who holds a license.

23 (b) Notwithstanding any other provision of this Chapter, the Commissioner may adopt
24 rules that require an applicant for a license or a licensee to file documents electronically with
25 the Commissioner or the Commissioner's designee. The rules adopted under this section may
26 contain procedures for the electronic payment of any fee required under this Chapter and the
27 electronic filing of documents, including:

28 (1) Any document required as part of an application for a license under this
29 Chapter.

30 (2) Any document required to be filed by an applicant for a license or a licensee
31 to maintain the license in good standing.

32 (3) Any other document required or permitted to be filed.



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1 (c) The Commissioner or the Commissioner's designee may charge an administrative
2 fee for electronic filing. Fees charged for the processing of an electronic filing are in addition to
3 any other fee imposed for the filing. Fees charged for an electronic filing are limited to the
4 actual cost of the electronic transaction.

5 (d) This section does not supersede any other provision of law that requires the
6 electronic filing of a document or requires an applicant for a license or a licensee to make any
7 other filing electronically."

8 **SECTION 3.** G.S. 58-33-40(b) reads as rewritten:

9 (b) Any insurer authorized to transact business in this State may appoint as its agent any
10 individual who holds a valid agent's license issued by the Commissioner. Upon the
11 appointment, the individual shall be authorized to act as an agent for the appointing insurer for
12 ~~all~~the kinds of insurance for which the insurer is authorized in this State and for which the
13 appointed agent is licensed in this State, unless specifically limited. For purposes of
14 determining the number of appointments for an agent, there shall be one appointment for each
15 kind of insurance for which the appointed agent is licensed in this State, unless specifically
16 limited."

17 **SECTION 4.** This act becomes effective October 1, 2009.