REGULATIONS REGARDING AGENTS, SUBAGENTS, COUNSELORS, ADJUSTERS, SURPLUS LINES BROKERS, AND AGENCIES

Section

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120-2-3-.06 Kinds of Licenses Issued.

(1) Agent and agency licenses will be issued in the following categories:
(a) Life — insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.
(b) Accident and sickness — insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income.
(c) Property — insurance coverage for the direct or consequential loss or damage to property of every kind.
(d) Casualty — insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property; also includes surety.
(e) Variable products — insurance coverage provided under variable life and variable annuity contracts.
(f) Personal lines — property and casualty insurance coverage sold to individuals and families for primarily noncommercial purposes.
(g) Credit — limited line credit insurance.
(h) Any other line of insurance permitted by Georgia law or regulation.
(2) A limited subagent license may be issued in accordance with Rules 120-2-3-.29 and 120-2-3-.31.
(3) Other licenses may be issued as follows:
(a) Adjuster license for the following categories that are not exempt from the definition of adjuster pursuant to the Official Code of Georgia Annotated § 33-23-1(a)(1):
1. Adjuster — an adjuster who works on behalf of an insurer and/ or an adjusting firm whose licensure is limited to property and casualty. An adjuster may not represent an insured individual.
2. Public adjuster — an adjuster who works on behalf of insured individuals and whose licensure is limited to property and casualty. A public adjuster may not represent an insurer.
3. Workers' Compensation adjuster — an adjuster whose scope of licensure is limited to Workers' Compensation insurance. A workers' compensation adjuster may not represent an insured individual.
4. Crop hail adjuster — an adjuster whose scope of licensure is limited to crop hail insurance. A crop hail adjuster may not represent an insured.
(b) Counselor license for the following categories:
1. Counselor license limited to property and casualty.

2. Counselor license limited to life, accident and sickness.
3. Limited Group Health Counselor License limited to group accident and sickness.
(c) Temporary agent license:
1. May be issued for any category or combination of categories listed under Paragraph (1) of this Section except for credit and variable products.
2. May only be issued in compliance with O.C.G.A. § 33-23-13.
(d) Nonresident license:
1. May be issued for any category or categories listed under Paragraph (1) of this Section.
2. May not be granted authority for any line or limited line of insurance not granted under the license held pursuant to the laws of the state of residence except as provided for in O.C.G.A. § 33-23-16(h).
(e) Nonactive agent license — the type of license described in O.C.G.A. §§ 33-23-4(f) and 33-23-18(e).
(f) Surplus line brokers.
(g) Other limited licenses as provided in this Regulation.

Authority O.C.G.A. Secs. 33-2-9, 33-23-1, 33-23-3, 33-23-4, 33-23-11, 33-23-12, 33-23-13, 33-23-16, 33-23-18, 33-23-37, 33- 23-44.

120-2-3-.09 Examinations.

(1) All resident applicants required under Chapter 23 of Title 33 of the Official Code of Georgia Annotated shall submit to examination by the Commissioner except:
(a) Applicants for agent licenses in lines or sublines of life or health insurance who hold the designation of CLU or FLMI;
(b) Applicants for agent licenses in lines or sublines of property and casualty who hold the designation of CPCU;
(c) Applicants for licenses as counselors who hold the designation of Certified Insurance Counselor (CIC), Accredited Advisor in Insurance (AAI), CPCU as specified in Rule 120-2-3-.09(1)(b), CLU or FLMI as specified in Rule 120-2-3-.09(1)(a), or applicants deemed by the Commissioner to have sufficient experience and qualifications in the lines of authority for which the applicant seeks licensure;
(d) Applicants for Limited Group Health Counselor licensure that have five (5) years' experience licensed as an agent in the line of accident and sickness;
(e) Applicants for Limited Group Health Counselor licensure that hold the designation of CIC, CLU, FMLI, Registered Health Underwriter (RHU) and Registered Employee Benefits Consultant (REBC);
(f) Applicants for limited licenses in accordance with Rules 120-2-3-.29, .31, .32, .39, .44, and .45 of this Regulation Chapter;
(g) Applicants holding a Ph.D. in Risk Management;
(h) Adjusters who are salaried employees of insurers;
(i) Applicants for temporary licenses;
(j) Applicants for credit insurance agent licenses;
(k) Applicants for a workers compensation adjuster license who hold the designation of Certified Workers Compensation Professional (CWCP);
(l) Such other applicants as the Commissioner may, at his discretion, determine.

(m) The applicant who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination. This exemption is only available if the individual is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer data base records maintained by the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries indicate that the applicant is or was licensed in good standing for the line of authority requested.
(2) The passing grade on examinations for licenses shall be seventy percent (70%).
(3) Any person taking an examination for licensing and not receiving a passing grade shall not be entitled to retake the examination until two (2) weeks have elapsed, and will be required to pay the appropriate fee. A person who completes a Prelicensing course through an independent provider who fails to pass an examination after taking it three (3) times must take a prelicensing course from a different provider prior to retaking the exam. A person who took a prelicensing course taught via a virtual classroom who fails to pass an examination after taking it three (3) times must take an in-classroom prelicensing course prior to retaking the exam.
(4) A person who has not completed the licensing requirements within twelve (12) months of the date of receiving a passing exam score will be required to retake the examination.

Authority O.C.G.A. Secs. 33-2-9, 33-8-1, 33-23-5, 33-23-10, 33-23-44.

120-2-3-.18 Resident Bond Requirements.

(1) Bonds are required of resident licensees in the following amounts:
(a) Public adjuster, $5,000;
(b) Insurance counselor and Limited Group Health Counselor, $5,000;
(c) Surplus lines broker, as specified in O.C.G.A. § 33-23-37.
(2) Bonds shall be in favor of the Commissioner and shall be contingent upon:
(a) Proper accounting for any monies;
(b) Proper reporting to any principal;
(c) Payment to the Commissioner of any fees or administrative fines.
(3) Bonds shall be continuous in nature.
(4) Release of any bond shall be contingent upon:
(a) Expiration of five (5) years following the termination of the license requiring such bond; or
(b) Replacement of the bond by another bond which covers any unreported acts or claims occurring during the term of the bond so replaced.
(5) Failure to maintain the bond required above will result in the cancellation of the said license.
(6) The Commissioner may prescribe the form of any bond required.

Authority O.C.G.A Secs. 33-2-9, 33-23-6, 33-23-7, 33-23-37, 33-23-44.

120-2-3-.46 Limited Group Health Counselor

(1) In order to be eligible for a resident limited group health counselor license in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

(2) All new applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.
(3) The applicant must include with his/her application a limited group health counselor bond in accordance with Rule 120-2-3-.18.
(4) The Applicant must pass the required limited group health counselor examination and apply for licensure within 12 months from receiving the passing grade. Exceptions to the examination requirement will be made in the following circumstances:
(a) An applicant that has 5 years of experience licensed as an agent in the line of accident and sickness shall be exempt from the examination.
(b) An applicant who was previously licensed as a counselor in another state shall be exempt from the examination. This exemption is only available if the individual is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer data base records maintained by the NAIC, its affiliates, or subsidiaries indicate that the applicant is or was licensed in good standing for the line of authority requested.
(c) An applicant who holds the designation of CIC, CLU, FLMI, REBC or RHU shall be exempt from the limited group health counselor examination.
(5) All continuing education requirements as outlined in Rule 120-2-3-.15 and all renewal requirements as outlined in Rule 120-2-3-.16 apply.

Authority O.C.G.A. Secs. 33-2-9, 33-23-1, 33-23-1.1, 33-23-5, 33-23-5.1, 33-23-6, 33-23-7, 33-23-8, 33-23-10, 33-23-12, 33-23-15, 33-23-18, 33-23-44.

120-2-3-.47 Violations.

Any violation of this Regulation shall be a violation of Chapter 23 of Title 33 of the Official Code of Georgia Annotated.

Authority O.C.G.A. Secs. 33-2-9, 33-23-44

120-2-3-.48 Severability

If any provision of this Regulation chapter or the application thereof to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the chapter or the applicability of such provision to other persons or circumstances shall not be affected.

Authority O.C.G.A. Secs. 33-2-9, 33-23-44