

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) Applicant for counselor licenses as follows:

(1) Counselor for Property and Casualty that hold the designation of Certified Insurance Counselor (CIC), Accredited Advisor in Insurance (AAI) or CPCU;

(2) Counselor for Life, Accident and Sickness that hold the designation of CLU, FLMI or Registered Employee Benefits Consultant (REBC).

(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-.15 Resident Continuing Education Requirements.

(1) Continuing education requirements.

Each resident licensee licensed for less than 20 years must complete a minimum of twenty four (24) continuing education hours, three (3) of which must be completed in Ethics, by the dates specified in Rule 120-2-3-.16. For resident licensees continually licensed for 20 years or longer, a minimum of twenty (20) continuing education hours, three (3) of which must be completed in Ethics, by the dates specified in Rule 120-2-3-.16. The continuing education hours may be completed at any time during the current biennial license period as long as the hours are completed prior to the license expiration date.

(2) Continuing education hours may be completed in any subject area for which he or she is licensed, provided licensees complete a minimum of three (3) hours of their continuing education requirement in the subject area of Ethics biennially. The Ethics requirement may be satisfied by completing courses in the subject area of Ethical practices, Legislative updates or Federal or Departmental Regulatory changes in insurance, current issues and other such topics that the Commissioner may at his or her discretion approve.

(a) Credit Insurance Exception. For any person holding a multiple line license where one of the lines is Credit insurance, no more than five (5) hours can come in the area of Credit insurance self-study. The remainder of the continuing education requirement must come from the other lines of insurance. If licensed for credit insurance only, the Ethics course requirement does not apply.

(b) Limited Subagent Exception. For any person holding multiple license types, where one of the licenses is for a Limited Subagent, no more than five (5) hours of continuing education credit can come from the subject area that coincides with the Limited Subagent license. The remainder of the continuing education requirement must come from the lines of insurance held under the agent, adjuster or counselor license. If licensed only as a Limited Subagent, the Ethics course requirement does not apply.

(c) Workers' Compensation Adjuster Exception. Licensee may either complete 10 hours of approved continuing education courses through the State Workers' Compensation Board; or complete the normal continuing education requirement specifically in the lines of property and casualty. If licensed as a workers' compensation adjuster only, the ethics requirement does not apply. After conversion to a biennial license, each resident licensee must complete twenty (20) hours of approved continuing education courses through the State Workers' Compensation Board or complete the normal continuing education requirement specifically in the lines of property and casualty, by the dates specified in Rule 120-2-3-.16.

(d) Persons newly licensed prior to July 1, 2012. Newly licensed persons who have taken the required prelicensing course will be considered to have met the initial requirements for continuing education by filing a copy of the prelicensing course certificate with the required renewal form. This exemption only applies to continuing education requirements for the first year of licensure for those who obtained their license prior to July 1, 2012.

(e) Agents licensed in the property line of authority that will be selling through the National Flood Insurance Program (NFIP) must complete a one-time three (3) hour continuing education course related to NFIP. This three (3) hour course will count towards the agent's continuing education requirement and can be used toward the Ethics requirement.

(f) On or after January 1, 2009, an Agent may not sell, solicit or negotiate a long term care partnership policy unless the individual has completed an initial eight (8) hour long term care training course. Agent must also complete ongoing training consisting of a four (4) hour continuing education course every 24 months. Such training must meet the requirements as outlined in Section 120-2-3-.12. To meet the 24-month timing requirements, an agent must complete this long term care continuing education course during each biennial license cycle required of all other continuing education requirements as set out in Section 120-2-3-.16 measured from the date of completion of the agent's initial eight (8) hour long term care training course.

1. Resident agents that have taken another state's qualified long term care partnership course may receive credit for up to six (6) hours toward the Georgia partnership training course requirement. Such resident agent must complete an approved two (2) hour Georgia specific Medicaid course in order to meet the eight (8) hour training requirement.

2. Insurers offering a long term care partnership policy shall obtain verification that an agent has received the training required in 120-2-3-.12(1)(c) and this section before the agent is permitted to sell, solicit or negotiate the insurer's long term care partnership policy.

3. Each insurer shall maintain records with respect to the training of its agents qualified to sell, solicit or negotiate long term care partnership policies, to include training received and that the agent has demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long term care, including Medicaid. These records shall be maintained for a period of not less than five years and shall be made available to the Commissioner upon request.

(3) Following the initial reporting date for new licensees, each person shall report on the date specified in Rule 120-2-3-.16 of this Regulation the appropriate number of hours for the previous reporting period.

(4) Credit will not be given for the same Continuing Education course taken multiple times within the same Continuing Education reporting period.

(5) Credit for continuing education earned in one filing period in excess of the hours required may be carried forward to the next filing period, provided that credit carried forward shall not exceed fifty percent (50%) of biennial continuing education requirement.

Authority O.C.G.A. Secs. 33-2-9, 33-23-12, 33-23-15, 33-23-18, 33-23-44, 33-42-6, 33-42-7.

120-2-3-.19 Exemptions or Reductions in Requirements for Continuing Education.

(1) On approval of the Commissioner, persons holding professional designations in insurance may receive a reduction or exemption from continuing education requirements provided:

(a) The organization sponsoring or granting the professional designation requests such exemption in writing setting forth the continuing education requirements for such designation;

(b) The holder of such designation provides proof of exemption with the Commissioner on or before the date required for filing continuing education credits;

(c) Such exemption or reduction shall only be to the extent of contact hours of continuing education received; and

(d) Exemption or reduction claimed under this Section may be subject to verification by the Commissioner.

(2) Any organization requesting an exemption under Subparagraph (1)(a) of this section must notify the Commissioner in writing within thirty (30) days of any change in its continuing education requirements.

(3) Upon filing the required form on or before the date required for filing continuing education credits with the Commissioner, and at the discretion of the Commissioner, any person may receive a reduction or exemption in continuing education hours required to the extent of the time spent on insurance related activities during the previous year. Such activity shall include, but not be limited to, the following related or occupational duties:

(a) Teaching courses in insurance related topics; or

(b) Insurance related legislative activities; or

(c) Journalism activities involving insurance related topics; or

(d) Projects involving research of insurance laws and regulations; or

(e) Active participation in professional insurance associations. Active members are eligible for a maximum of 3 hours subject to verification from association.

(4) Individuals holding the professional designation of CPCU, CLU, Fellow Life Management Institute (FLMI), CIC, Certified Employee Benefit Specialist (CEBS), Chartered Financial Consultant (ChFC), Accredited Advisor in Insurance (AAI), Certified Financial Planner (CFP), CRM, CISR or a major BBA in Risk Management and Insurance from an accredited college will receive a reduction of continuing education hours required. Holders of these designations are required to complete six (6) hours of continuing education annually, with a minimum of three (3) hours of their continuing education requirement to be completed in the subject area of Ethics. To claim this reduction in continuing education hours, the licensee must attach documentation of achieving such designation. After conversion to a biennial license, holders of these designations are required to complete twelve (12) hours of continuing education with a minimum of three (3) hours to be completed in Ethics. Hours must be completed by the dates specified in Rule 120-2-3-.16.

(5) Individuals holding a non-resident license who are required to meet continuing education in their state of residence will be considered in compliance with the continuing education requirements under this chapter, provided the non-resident licensee's home state reciprocates with Georgia licensees in the same manner.

(6) Agents holding a nonactive license as provided in O.C.G.A. §§ 33-23-4(f) and 33-23-18(e) are exempt from Continuing Education requirements provided:

(a) The holder of such license files for renewal on or before the date required.

(b) Such exemption shall only be valid during the period the license is nonactive.

Authority O.C.G.A Secs. 33-2-9, 33-23-4, 33-23-6, 33-23-16, 33-23-18, 33-23-44.