

### 120-2-3-.03 Use of Terms and Exemptions

(1) “Purchaser,” as that term is used in Code Section 33-23-1(a)(11), shall include but is not limited to a current or prospective coemployer, or one of its employees, of a “professional employer organization,” as that term is defined in subsection (a) of Code Section 34-7-6.

#### (2) Policy Servicing and Administration

(a) Serving the master policyholder of group insurance in administering the details of such insurance, pursuant to O.C.G.A. § 33-23-1(b)(6), or engaging in the administration or operation of a program of employee benefits for the employer’s or association’s own employees or the employees of its subsidiaries or affiliates, pursuant to O.C.G.A. § 33-23-4(h)(2)(C), includes but is not limited to the following types of activities:

1. Creating or implementing a recordkeeping system to track contribution and benefit payments, to maintain participant information, and to accurately comply with government reporting requirements;
2. Acquiring evidence of coverage and plan member information booklets or materials from insurers to distribute to employees;
3. Collecting employee information to enroll employees in the group plan as necessary (e.g., social security number, date of birth, job title, salary) and transmitting such information to the insurer;
4. Deducting premiums from an employee’s wages as necessary;
5. Remitting premiums from employees to the insurer;
6. Collecting and reporting to the insurer changes regarding an employee’s family status (e.g., marriages, divorce, death, birth of child) or work status (e.g., terminations, new hires, change in employee’s work hours – full-time/part-time); and
7. Administering or facilitating the termination of benefits or the extension of COBRA coverage.

(b) 1. A license as an agent, subagent, or counselor is not required for a person to serve as the master policyholder of group insurance in administering the details of such plan pursuant to O.C.G.A. § 33-23-1(b)(6).

2. A license as an agent, subagent, or counselor is not required to engage in the administration or operation of a program of employee benefits for the employer’s or association’s own employees or the employees of its subsidiaries or affiliates pursuant to O.C.G.A. § 33-23-4(h)(2)(C).

3. When a person performs activities that fall within the definition of “sell,” “solicit,” or “negotiate,” as set forth in O.C.G.A. § 33-23-1, as to those activities, such person is not exempt from licensure in accordance with the exemptions set forth in O.C.G.A. § 33-23-1(b)(6) or O.C.G.A. § 33-23-4(h)(2)(C).

(3) Unless the context otherwise requires, terms found in this Regulation are used as defined in O.C.G.A. § 33-1-2, § 33-23-1, or this Regulation. Other terminology is used in accordance with the Georgia Insurance Code or industry usage if not defined in the Georgia Insurance Code.

Authority: O.C.G.A. §§ 33-2-9, 33-23-1, 33-23-4, and 33-23-44.

### **120-2-3-.05 Licensure of Agencies**

- (1) For the purposes of O.C.G.A. § 33-23-3, a principal office of an agency shall be defined as the primary location of an agency or agency organization with multiple locations. An agency or organization with multiple locations seeking licensure must designate one agency location as the principal office of such organization. A branch office of an agency shall be defined as all other locations of the agency or agency organization.
- (2) In order to be eligible for an agency license issued 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.
- (3) In accordance with O.C.G.A. § 33-23-3, an application for an agency license must be accompanied by the appropriate form containing the designation of the principal office of the agency. For filings regarding an agency branch office location, the name and address of the agency's principal office location will be required.
- (4) Each principal office and branch office shall remit the fee prescribed in O.C.G.A. § 33-8-1 with the agency licensing application. Effective July 1, 2012, all new agency licenses will be issued on a biennial basis.
- (5) Each agency location must have at least one licensed agent whose primary place of business is that agency location.
- (6) A business entity must be licensed as an agency if it employs an individual who is required to be licensed as an agent pursuant to O.C.G.A. § 33-23-1 et seq. and this Regulation, and such individual is selling, soliciting, or negotiating insurance on behalf of that business entity.
- (7) The lines of authority of an agency cannot be greater than the lines of authority held by the agent or agents whose primary place of business is that agency location.
- (8) An agency license does not eliminate the need for an agent license for any individual that sells, solicits, or negotiates insurance.
- (9) License renewal:
  - (a) All agency licenses issued prior to July 1, 2012 expire on December 31 of the year issued; an agency is required to renew the license prior to expiration on forms prescribed by the Commissioner. The appropriate fee as prescribed in O.C.G.A. § 33-8-1 must accompany the renewal application.
  - (b) The appropriate fee as prescribed in O.C.G.A. § 33-8-1 must accompany the renewal application. Beginning July 1, 2012, upon renewal, all agency licenses will be converted to a biennial license.

- (10) A licensed entity under Chapter 3 of Title 7 of the Official Code of Georgia Annotated shall be deemed licensed under this Regulation.
- (11) The license issued in accordance with this Rule must be available for public inspection in the agency location.

Authority: O.C.G.A. §§ 33-2-9, 33-8-1, 33-23-1, 33-23-2, 33-23-3, and 33-23-44.

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### 120-2-3-.03 Use of Terms and Exemptions Definitions

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#### (2) Policy Servicing and Administration

(a) Serving the master policyholder of group insurance in administering the details of such insurance, pursuant to O.C.G.A. § 33-23-1(b)(6), or engaging in the administration or operation of a program of employee benefits for the employer’s or association’s own employees or the employees of its subsidiaries or affiliates, pursuant to O.C.G.A. § 33-23-4(h)(2)(C), includes but is not limited to the following types of activities:

1. Creating or implementing a recordkeeping system to track contribution and benefit payments, to maintain participant information, and to accurately comply with government reporting requirements;
2. Acquiring evidence of coverage and plan member information booklets or materials from insurers to distribute to employees;
3. Collecting employee information to enroll employees in the group plan as necessary (e.g., social security number, date of birth, job title, salary) and transmitting such information to the insurer;
4. Deducting premiums from an employee’s wages as necessary;
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6. Collecting and reporting to the insurer changes regarding an employee’s family status (e.g., marriages, divorce, death, birth of child) or work status (e.g., terminations, new hires, change in employee’s work hours – full-time/part-time); and
7. Administering or facilitating the termination of benefits or the extension of COBRA coverage.

(b) 1. A license as an agent, subagent, or counselor is not required for a person to serve as the master policyholder of group insurance in administering the details of such plan pursuant to O.C.G.A. § 33-23-1(b)(6).

2. A license as an agent, subagent, or counselor is not required to engage in the administration or operation of a program of employee benefits for the employer’s or association’s own employees or the employees of its subsidiaries or affiliates pursuant to O.C.G.A. § 33-23-4(h)(2)(C).

3. When a person performs activities that fall within the definition of “sell,” “solicit,” or “negotiate,” as set forth in O.C.G.A. § 33-23-1, as to those activities, such person is not exempt from licensure in accordance with the exemptions set forth in O.C.G.A. § 33-23-1(b)(6) or O.C.G.A. § 33-23-4(h)(2)(C).

(3) Unless the context otherwise requires, terms found in this Regulation are used as defined in O.C.G.A § 33-1-2, § 33-23-1, or this Regulation. Other terminology is used in accordance with the Georgia Insurance Code or industry usage if not defined in the Georgia Insurance Code.

Authority: O.C.G.A. §§ 33-2-9, 33-23-1, 33-23-4, and 33-23-44.

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- (1) For the purposes of O.C.G.A. § 33-23-3, a principal office of an agency shall be defined as the primary location of an agency or agency organization with multiple locations. An agency or organization with multiple locations seeking licensure must designate one agency location as the principal office of such organization. A branch office of an agency shall be defined as all other locations of the agency or agency organization.
- (2) In order to be eligible for an agency license issued 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.
- (3) In accordance with O.C.G.A. § 33-23-3, an application for an agency license must be accompanied by the appropriate form containing the designation of the principal office of the agency. For filings regarding an agency branch office location, the name and address of the agency's principal office location will be required.
- (4) Each principal office and branch office shall remit the fee prescribed in O.C.G.A. § 33-8-1 with the agency licensing application. Effective July 1, 2012, all new agency licenses will be issued on a biennial basis.
- (5) Each agency location must have at least one licensed agent whose primary place of business is that agency location.
- (6) A business entity must be licensed as an agency if it employs an individual who is required to be licensed as an agent pursuant to O.C.G.A. § 33-23-1 et seq. and this Regulation, and such individual is selling, soliciting, or negotiating insurance on behalf of that business entity.
- (7) The lines of authority of an agency cannot be greater than the lines of authority held by the agent or agents whose primary place of business is that agency location.
- (8) An agency license does not eliminate the need for an agent license for any individual that sells, solicits, or negotiates insurance.
- (9) License renewal:
  - (a) All agency licenses issued prior to July 1, 2012 expire on December 31 of the year issued; an agency is required to renew the license prior to expiration on forms prescribed by the Commissioner. The appropriate fee as prescribed in O.C.G.A. § 33-8-1 must accompany the renewal application.
  - (b) The appropriate fee as prescribed in O.C.G.A. § 33-8-1 must accompany the renewal application. Beginning July 1, 2012, upon renewal, all agency licenses will be converted to a biennial license.

- (10) A licensed entity under Chapter 3 of Title 7 of the Official Code of Georgia Annotated shall be deemed licensed under this Regulation.
- (11) The license issued in accordance with this Rule must be available for public inspection in the agency location.

Authority: O.C.G.A. §§ 33-2-9, 33-8-1, 33-23-1, 33-23-2, 33-23-3, and 33-23-44.