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As Amended

SENATE BILL NO. 397

and

McDaniel (Randy) of the
House

[insurance - continuing education - providing online
course be of certain design - eliminating course
proctor - effective date -

emergency]

SECTION 1. AMENDATORY 36 O.S. 2001, Section 1435.29, as last amended by Section 13, Chapter 432, O.S.L. 2009 (36 O.S. Supp. 2010, Section 1435.29), is amended to read as follows:

Section 1435.29 A. 1. Each insurance producer, with the exception of title producers and aircraft title producers or any other producer exempt by rule, shall, biennially, complete not less than twenty-one (21) clock hours of continuing insurance education which shall cover subjects in the lines for which the insurance producer is licensed. Such education may include a written or oral examination.

2. Each customer service representative shall, biennially, complete not less than ten (10) clock hours of continuing insurance

1 education which shall cover subjects in the lines for which the
2 licensee is authorized to conduct insurance-related business on
3 behalf of the appointing agent, broker, or agency.

4 3. Licensees, with the exception of title producers and
5 aircraft title producers or any other producer exempt by rule, shall
6 complete, in addition to the foregoing, three (3) clock hours of
7 ethics course work in this same period.

8 4. Each title producer and aircraft title producer shall,
9 biennially, complete not less than sixteen (16) clock hours of
10 continuing insurance education, two (2) hours of which shall be
11 ethics course work, which shall cover the line for which the
12 producer is licensed. Such education may include a written or oral
13 examination.

14 B. 1. The Insurance Commissioner shall approve courses and
15 providers of resident provisional producer prelicensing education
16 and continuing education. The Insurance Department may use one or
17 more of the following to review and provide a nonbinding
18 recommendation to the Insurance Commissioner on approval or
19 disapproval of courses and providers of resident provisional
20 producer prelicensing education and continuing education:

- 21 a. employees of the Insurance Commissioner,
- 22 b. a continuing education advisory committee, or
- 23 c. an independent service whose normal business
24 activities include the review and approval of

1 continuing education courses and providers. The
2 Commissioner may negotiate agreements with such
3 independent service to review documents and other
4 materials submitted for approval of courses and
5 providers and provide the Commissioner with its
6 nonbinding recommendation. The Commissioner may
7 require such independent service to collect the fee
8 charged by the independent service for reviewing
9 materials provided for review directly from the course
10 providers.

11 The Insurance Commissioner has sole authority to approve courses
12 and providers of resident provisional producer prelicensing
13 education and continuing education. If the Insurance Commissioner
14 uses one of the entities listed above to provide a nonbinding
15 recommendation, the Commissioner shall adopt or decline to adopt the
16 recommendation within thirty (30) days of receipt of the
17 recommendation. In the event the Insurance Commissioner takes no
18 action within ~~said~~ the thirty-day period, the recommendation made to
19 the Commissioner will be deemed to have been adopted by the
20 Commissioner.

21 The Insurance Commissioner may certify providers and courses
22 offered for license examination study. The Insurance Department
23 shall use employees of the Insurance Commissioner to review and
24 certify license examination study program providers and courses.

1 2. Each insurance company shall be allowed to provide
2 continuing education to insurance producers and customer service
3 representatives as required by this section; provided that such
4 continuing education meets the general standards for education
5 otherwise established by the Insurance Commissioner. Courses and
6 programs offered online for continuing education credit or
7 presumptive continuing education credit shall be designed to present
8 materials in such a manner that allows the participant to complete
9 the entire material without a proctor or monitor for either the
10 course or program or the written examination.

11 3. An insurance producer who, during the time period prior to
12 renewal, participates in an approved professional designation
13 program shall be deemed to have met the biennial requirement for
14 continuing education.

15 Each course in the curriculum for the program shall total a
16 minimum of twenty-four (24) hours. Each approved professional
17 designation program included in this section shall be reviewed for
18 quality and compliance every three (3) years in accordance with
19 standardized criteria promulgated by rule. Continuation of approved
20 status is contingent upon the findings of the review. The list of
21 professional designation programs approved under this paragraph
22 shall be made available to producers and providers annually.

23 4. The Insurance Department may promulgate rules providing that
24 courses or programs offered by professional associations shall

1 qualify for presumptive continuing education credit approval. The
2 rules shall include standardized criteria for reviewing the
3 professional associations' mission, membership, and other relevant
4 information, and shall provide a procedure for the Department to
5 disallow all or part of a presumptively approved course. Courses
6 and programs offered online for continuing education credit or
7 presumptive continuing education credit shall be designed to present
8 materials in such a manner that allows the participant to complete
9 the entire material without a proctor or monitor for either the
10 course or program or the written examination. Professional
11 association courses approved in accordance with this paragraph shall
12 be reviewed every three (3) years to determine whether they continue
13 to qualify for continuing education credit.

14 5. Subject to approval by the Commissioner, the active
15 membership of the licensed producer or broker in local, regional,
16 state, or national professional insurance organizations or
17 associations may be approved for up to one (1) annual hour of
18 instruction. The hour shall be credited upon timely filing with the
19 Commissioner, or designee of the Commissioner, and appropriate
20 written evidence acceptable to the Commissioner of such active
21 membership in the organization or association.

22 6. The active service of a licensed producer as a member of a
23 continuing education advisory committee, as described in paragraph 1
24

1 of this subsection, shall be deemed to qualify for continuing
2 education credit on an hour-for-hour basis.

3 C. Annual fees and course submission fees shall be set forth as
4 a rule by the Commissioner. The fees are payable to the Insurance
5 Commissioner. Provided, public-funded educational institutions,
6 federal agencies, nonprofit organizations, not-for-profit
7 organizations, and Oklahoma state agencies shall be exempt from this
8 subsection.

9 D. Failure of an insurance producer or customer service
10 representative to comply with the requirements of the Oklahoma
11 Producer Licensing Act may, after notice and opportunity for
12 hearing, result in censure, suspension, nonrenewal of license or a
13 civil penalty of up to Five Hundred Dollars (\$500.00) or by both
14 such penalty and civil penalty. ~~Said~~ The civil penalty may be
15 enforced in the same manner in which civil judgments may be
16 enforced.

17 E. Limited lines producers and nonresident agents who have
18 successfully completed an equivalent or greater requirement shall be
19 exempt from the provisions of this section.

20 F. Members of the Legislature shall be exempt from this
21 section.

22 G. The Commissioner shall adopt and promulgate such rules as
23 are necessary for effective administration of this section.

24 SECTION 2. This act shall become effective July 1, 2011.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON RETIREMENT & INSURANCE, dated 2-17-11 - DO PASS, As Amended and Coauthored.