

**ALABAMA DEPARTMENT OF INSURANCE
INSURANCE REGULATION**

CHAPTER 482-1-147

**INSURANCE PRODUCER,
TEMPORARY PRODUCER,
AND SERVICE REPRESENTATIVE
REQUIREMENTS RELATING TO
PRELICENSING EDUCATION, EXAMINATIONS,
LICENSING, APPOINTMENTS, AND
DISCIPLINARY CONSEQUENCES**

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482-1-147-.01 Purpose, Scope and Authority.

(1) The purpose of this chapter is to set forth rules and procedural requirements the Commissioner deems necessary to carry out the provisions of Chapter 7 of Ala. Code Tit. 27 relating to the licensing and appointment of insurance producers, temporary producers, and service representatives; the authorization of prelicensing course providers and approval of prelicensing courses; and the various types of disciplinary action concerning licenses and grants of authority.

(2) This chapter shall apply to individuals and business entities applying for an insurance producer license, to individuals applying for a temporary producer license, to individuals applying for a service representative license, to persons authorized to provide prelicensing courses, and to all insurers appointing producers, temporary producers, and service representatives. This chapter does not apply to title insurance agents.

(3) This chapter is adopted pursuant to Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30, and 27-7-43 (1975).

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.02 Definitions. Unless the context otherwise requires, terms found in this chapter are used as defined in Ala. Code § 27-7-1 (1975). The following terms are defined for purposes of this chapter:

(a) **CAPTIVE PRODUCER.** An insurance producer under contract to represent only one insurer or one group of insurers.

(b) **HEALTH.** The line of authority defined in Ala. Code § 27-7-14.1 (1975) as Accident and Health or Sickness, commonly known as disability.

(c) **NAIC.** The National Association of Insurance Commissioners or its affiliates or subsidiaries.

(d) **NIPR.** The National Insurance Producer Registry.

(e) **PRELICENSING COURSE.** A course of study approved by the Commissioner as satisfying the prelicensing education requirements of Ala. Code § 27-7-5(3) (1975) and offered through a prelicensing course provider authorized by the Commissioner to issue certificates of course completion.

(f) **PRELICENSING COURSE PROVIDER.** Any educational institution, junior or senior college, technical college, trade school, insurance company, or insurance trade organization authorized by the Commissioner to issue certificates of course completion.

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Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.03 Prelicensing Education.

(1) Except as provided in paragraph (5), an individual intending to apply for an insurance producer license must complete a prelicensing course for each line of authority desired in order to take the following insurance producer examinations:

- (a) Life.
- (b) Health.
- (c) Life and Health.
- (d) Property.
- (e) Casualty.
- (f) Property and Casualty.
- (g) Personal Lines.
- (h) Bail Bonds.

(2) Except as provided in paragraph (5), an individual intending to apply for a service representative license must complete a prelicensing course in order to apply for the license for the following lines of insurance as applicable:

- (a) Property.
- (b) Casualty.
- (c) Personal Lines.

(3) The prelicensing course(s) must have been completed within twelve (12) months before the date(s) of the related insurance producer examination(s) or the date of the service representative license application.

(4) An insurance producer or service representative whose license has expired or otherwise been terminated and has not been in effect for twelve (12) consecutive calendar months must complete the applicable prelicensing courses, as required in paragraphs (1) and (2), in order to again become licensed.

(5) Completion of a prelicensing course is not required in the following instances:

(a) Holders of the professional designations CLU, CEBS, ChFC, CIC, CFP, FLMI, and LUTCF are exempt from completing a prelicensing course for the life line of authority.

(b) Holders of the professional designations RHU, CEBS, REBC, and HIA are exempt from completing a prelicensing course for the health line of authority.

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(c) Holders of the professional designations CPCU, CIC, AAI, and ARM are exempt from completing a prelicensing course for the personal lines, property and casualty lines of authority.

(d) An individual who has been awarded a bachelor's or advanced degree in insurance or major in insurance, from an accredited college or university is exempt from having to complete a prelicensing course for all lines of authority. The individual shall submit a certified copy of the college transcript to the Commissioner for verification of the exemption and will receive a certificate of exemption to provide to the examination administrator.

(e) An individual licensed as an insurance producer in another state is exempt from completing a prelicensing course in order to apply for an Alabama producer license with the same lines of authority if, at the time of application, the individual's out-of-state license is current or was cancelled within ninety (90) days before the application and the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(f) An individual currently licensed as an insurance producer or service representative (or their equivalents) in another state is exempt from completing a prelicensing course of study in order to apply for a nonresident producer or service representative license in Alabama with the same line(s) of authority if the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(6) Unless exempt, an individual is required to present a certificate of completion of the appropriate prelicensing course(s), together with photographic identification, as a condition for taking insurance producer examinations.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.04 Prelicensing Course Providers.

(1) Prelicensing courses can only be provided by educational institutions, junior and senior colleges, technical colleges, trade schools, insurance companies, and insurance trade organizations.

(2) A prelicensing course provider must be approved by the Commissioner to issue certificates of prelicensing course completion before offering or conducting prelicensing courses. Prelicensing courses offered through, and certificates of course completion issued by, unapproved providers will not be accepted as valid for purposes of this chapter.

(3) The application for approval will be on a form or in a format prescribed by the Department. Approval is valid for a calendar year, expiring on December 31 of that year.

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Beginning on or about October 1, an approved provider may request approval for the next succeeding calendar year in accordance with instructions provided by the Department. A provider must have applied for and obtained approval before offering or conducting courses in the next succeeding calendar year. There is no fee associated with preclicensing provider or course approval.

(4) The provider shall furnish each individual completing a preclicensing course a certificate of completion, signed by the preclicensing course provider or instructor, that contains the name of the preclicensing course provider, the student's full name, the line(s) of authority covered by the course, the beginning date, the date of completion, and the number of course hours completed.

(5) Preclicensing course providers shall maintain for a minimum of three (3) years records that reflect each individual who has successfully completed a preclicensing course and make such records available for review by the Commissioner upon request.

(6) As a condition for approval of a preclicensing course provider, the Commissioner may audit any approved provider at any time. An audit may include, but is not limited to, a review of the attendance and curriculum records and observation of instructional sessions. The provider shall furnish such records, data, or information, or provide such other assistance, as the Commissioner may request incident to the audit.

(7) A preclicensing course provider may be placed on probation or its authority suspended or revoked for any of the following reasons:

(a) The provider offered or conducted preclicensing courses during a time when it was not approved to do so.

(b) The provider offered or conducted a preclicensing course not approved by the Commissioner.

(c) The provider issued certificates of completion during a time when it was not approved to do so or for preclicensing courses not approved by the Commissioner.

(d) The content of an approved preclicensing course was significantly changed without notice to and prior approval from the Commissioner.

(e) A certificate of completion was issued to a person who did not actually complete the course.

(f) A certificate of completion was not issued to a person who had actually completed the course.

(g) The actual instruction of the preclicensing course is inadequate as demonstrated by an annual passing ratio for the previous year of less than 70% of the average passing ratio of the said year.

(h) Within fifteen (15) days after the date of the Commissioner's written request (or within such time as the request may provide), the provider fails to respond or provide the records, data, or information requested.

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(8) A decision to place a provider in probationary status will be made without a preceding hearing, but the provider will be allowed 30 days from the date of the notice of such action within which to appeal the action to the Commissioner. An alleged course of conduct or acts or omissions which the Department believes to justify suspension or revocation will be made in the form of an administrative complaint on which the provider may request a hearing before a decision is made. Administrative proceedings, including hearings, will be conducted in accordance with Regulation 482-1-065 to the extent applicable to the nature of the proceeding.

(9) Reinstatement of approval of a prelicensing course provider after a suspension or revocation is at the sole discretion of the Commissioner and is conditioned upon the receipt of satisfactory proof that the conditions leading to the suspension or revocation have been corrected and the possibility of reoccurrence of the violation has been substantially mitigated or eliminated.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-5 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.05 Approval and content of prelicensing courses.

(1) Each prelicensing course must be approved by the Commissioner before the course is offered or conducted. Approval of a provider to issue certificates of course completion as provided in the preceding Rule 482-1-147-.04 is not approval of any particular prelicensing course offered or proposed to be offered by the provider. A certificate of course completion for an unapproved course will not be accepted as valid for purposes of this chapter.

(2) Approved courses for each of the following lines of authority must consist of twenty (20) classroom hours or equivalent individual instruction:

- (a) Life.
- (b) Health.
- (c) Property.
- (d) Casualty.
- (e) Personal Lines.
- (f) Bail Bonds.

(3) Approved courses for the following combined lines of authority must consist of forty (40) classroom hours or equivalent individual instruction:

- (a) Life and Health.
- (b) Property and Casualty.

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(4) To request approval, the provider shall file with the Commissioner in a format prescribed by the Department all of the following:

(a) An outline of the proposed course, including instructional time for each course major component.

(b) A list of instructional materials used.

(c) The name or names of the instructors.

(d) The category or categories of license for which the course is intended to prepare applicants for licensing.

(e) Such additional or supplemental information as the Commissioner may request, including, but not limited to, further detail of the proposed course content or copies of any instructional materials to be used.

(5) The provider's submission must show that the subject matter of the prelicensing course pertains to one or more of the lines of insurance indicated in the above subsections (2) or (3), the course covers the general principles of insurance for that line or lines of authority, and the course addresses all of the following to the extent applicable to the subject line(s) of insurance:

(a) Study and analysis of the fundamentals of insurance.

(b) Study and analysis of various kinds of policies, endorsements, riders, and other policy contract documents.

(c) Study and analysis of various rating plans and systems.

(d) Study and analysis of the basic licensing requirements set forth in the statutes and regulations of this state.

(e) Such additional material as the Commissioner may from time to time require by notice to course providers.

(6) Instructors must be knowledgeable of the insurance industry and all aspects of the insurance law applicable to the line(s) of authority that are the subject of the instructor's course(s).

(7) Instructors may receive the same credit for courses as students when their attendance is certified in the same manner as provided in this rule.

(8) The Commissioner may review any approved course at any time and may cancel approval of the course with regard to future offerings upon a finding that the course, as designed, structured, or conducted and/or its content and materials is not adequate for its stated purpose. Said review shall include, but not be limited to, the review of curriculum records, review of attendance records, student evaluation forms or reports, and observation of instructional sessions in progress.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-5 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

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482-1-147-.06 Insurance Producer Examination.

(1)(a) Except as provided in paragraph (3), all individuals must successfully pass an examination prior to becoming licensed as an insurance producer for the following lines of authority:

1. Life.
2. Health.
3. Property.
4. Casualty.
5. Personal Lines.
6. Bail Bonds.

(b) An outline for each examination will be posted on the Department's Web site setting forth the number of questions on the examination from each test section and the time allowed within which to complete the examination.

(2) Unless otherwise exempt, an insurance producer whose license has expired or has otherwise been terminated and has not been in effect for twelve (12) consecutive calendar months must successfully pass the applicable examination(s), as required in paragraph (1), in order to again become licensed.

(3) The examination requirements shall not apply as follows:

(a) All applicants for a license to transact only the following lines of authority are exempt from the requirements of this rule:

1. Variable Life and Variable Annuity Products.
2. Credit.
3. Rental Vehicle.
4. Crop.
5. Portable Electronics.
6. Travel.
7. Legal Services.
8. Dental Services.
9. Motor Club.

(b) An individual licensed as an insurance producer in another state is exempt from successfully passing an examination in order to apply for an Alabama producer license with the same line(s) of authority if, at the time of application, the individual's out-of-state license is current or was cancelled within ninety (90) days before the application and the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

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(c) An individual currently licensed as an insurance producer (or its equivalent) in another state is exempt from successfully passing an examination in order to apply for a nonresident producer license in Alabama with the same line(s) of authority if the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(4) Examination Passing Grade.

(a) Prior to an examination, each question will be valued with the sum of the values equaling 100.

(b) After an examination, the value of each question answered correctly will be counted and the sum of the values totaling 70 or more shall constitute a passing grade.

(5) Limitations on Repeat Examinations.

(a) If an individual takes and fails to pass two examinations for a particular line of authority, the individual must wait a minimum of ninety (90) days after the last failure before the individual can again take the examination for that line of authority.

(b) If an individual thereafter fails the examination two additional times, the individual must wait a minimum of one hundred eighty (180) days after the last failure before each subsequent examination for that line of authority.

(c) The waiting periods described in paragraphs (a) and (b) expire twenty-four (24) months after the date of the last failed examination.

(d) For purposes of applying the waiting periods in the context of examinations on related lines of authority:

1. The waiting periods relating to the life examination or the health examination apply to the combined life and health examination.

2. The waiting periods relating to the combined life and health examination apply to the life examination and to the health examination.

3. The waiting periods relating to the property examination apply to the industrial fire examination, the personal lines examination, and the combined property and casualty examination.

4. The waiting periods relating to the casualty examination apply to the automobile examination, the personal lines examination, and the combined property and casualty examination.

5. The waiting periods relating to the combined property and casualty examination apply to the industrial fire examination, the personal lines examination, the property examination, and the casualty examination.

6. The waiting periods for the personal lines examination apply to the industrial fire examination, the automobile examination, the personal lines examination, the property examination, the casualty examination, and the combined property and casualty examination.

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(6) An individual passing an examination will be furnished an examination results certificate by the examination administrator. This certificate must be kept by the individual and presented to Department of Insurance upon request.

(7) Examination results certificates are valid for one year from the date of issuance.

(8) An individual shall pay a non-refundable fee as indicated below for each examination scheduled:

1. Life	\$50.00
2. Health	\$50.00
3. Combined Life and Health	\$75.00
4. Property	\$50.00
5. Casualty	\$50.00
6. Combined Property and Casualty	\$75.00
7. Personal Lines	\$50.00
8. Bail Bonds	\$50.00

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013; Revised August 12, 2015, Effective January 1, 2016

482-1-147-.07 Insurance Producer License.

(1) Business Entity Producer. A business entity may be issued an insurance producer license in accordance with the following:

(a) To be licensed as an insurance producer, a business entity must be a corporation, a limited liability company, a partnership, a limited partnership, a limited liability partnership, or another legally recognized form of entity distinct from an individual or the individuals or other entities that may own or hold interests in, or be members of, the entity as determined by the laws of the entity's state of domicile. A sole proprietorship can only be licensed as an individual producer. One or more individuals doing business under a trade name cannot obtain an entity producer license absent formal organization as an entity.

(b) An Alabama-domiciled business entity shall complete the Department's on-line licensing process to become licensed as an insurance producer for a particular line or lines of insurance. Instructions for the on-line licensing process will be provided on the Department's Web page.

(c) A foreign-domiciled business entity may use the on-line licensing process or may submit or transmit a copy of the application that was submitted to its domiciliary

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state. Issuance of an Alabama business entity producer license to a foreign-domiciled business entity does not in itself satisfy any applicable Alabama constitutional and statutory requirements that may require the entity to qualify through or register with the Alabama Secretary of State in order to lawfully do business in Alabama.

(d) The business entity license applicant must identify at least one licensed individual producer designated as responsible for the business entity's compliance with all applicable laws, rules and regulations for each line of authority. The licensed individual producer(s) so designated must have such a degree of affiliation with the entity in terms of an ownership interest in the entity, a role as an officer or director, by contract or employment relationship, or otherwise as reasonably assures that the licensed individual producer can cause or influence the entity's compliance with all applicable laws, rules, and regulations.

(e) Business entity producers must be appointed to act on behalf of an insurer and must be appointed by each insurer it represents. A business entity is deemed to be representing or acting on behalf of an insurer upon entering into an agency contract or agreement with the insurer. Each individual producer acting as a producer of the insurer on behalf of the business entity producer must also be appointed to represent the insurer.

(2) Individual Producer. An individual may be issued an insurance producer license in accordance with the following:

(a) An Alabama resident shall complete the Department's on-line licensing process to become licensed as an insurance producer for a particular line or lines of insurance.

(b) A nonresident individual may also use the on-line licensing process or may submit or transmit a copy of the application that was submitted to the home state.

(c) Individual insurance producers must be appointed to act on behalf of an insurer and must be appointed by each insurer it represents.

(3) Unless exempt, an individual applicant must comply with the preclicensing education and examination requirements prior to making application for license as an insurance producer for those lines of authority requiring an examination.

(4) An individual seeking to be licensed for or holding the variable life and variable annuity products line of authority must also hold the life line of authority as an insurance producer and must also successfully complete the appropriate securities examinations and be registered under the applicable federal and state securities laws.

(5) An individual or business entity may apply for an insurance producer license for any or all of the lines of authority for which qualified at one time; however, subsequent applications for additional lines of authority are treated the same as initial applications. All license and application fees apply for each application submitted or transmitted.

(6) Instructions for the on-line licensing process, as it may change from time to time, will be provided on the Department's Web page.

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(7) The initial fees for an individual insurance producer license are set by statute and are listed on the Department's Web page. Subsequent changes in the name, mailing address, or electronic mail address of a producer must be reported within 30 days thereof. While there is no filing fee for reporting such changes, there is a penalty of \$50 for the failure to report the changes within 30 days. Instructions for the name, mailing address, or electronic mail address change process, as it may change from time to time, will be provided on the Department's Web page.

(8)(a) Individual and business entity producers are subject to the license renewal process set forth in Chapter 482-1-110.

(b) If an insurance producer license is not renewed in accordance with Chapter 482-1-110 the license expires and all insurer appointments are canceled.

(c) Within twelve months of expiration, the former licensee can reapply for an insurance producer license without having to retake the preclicensing course or examination by following the instructions for the on-line license reinstatement process, as it may change from time to time, as directed on the Department's Web page. Upon receiving the reinstated license, the producer may again be appointed by insurers by following the on-line appointment process.

(d) When former licensees have been without a license for over twelve months, they must comply with any applicable preclicensing course and examination requirements before again applying for an insurance producer license.

(9) When an insurance producer's license is suspended or revoked, the former licensee should contact the Legal Division of the Department to receive instructions should the former licensee desire to again become licensed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.08 Temporary Producer License.

(1) Temporary License - Pending Examination.

(a) An individual otherwise qualified as an insurance producer except as to having taken and passed the written examination may apply for a temporary producer license according to the requirements set forth in this rule for the following lines of insurance:

1. Life.
2. Health.
3. Property.
4. Casualty.
5. Personal Lines.

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(b) The applicant for a temporary producer license must be actively engaged in a prelicensing course for the line or lines of authority under the supervision of the appointing insurer or insurers. Evidence of enrollment in a course by an approved prelicense course provider will be required during the on-line licensing process.

(c) The applicant shall complete the Department's on-line licensing process to become licensed as a temporary producer for a particular line or lines of insurance. Instructions for the on-line licensing process, as they may change from time to time, will be provided on the Department's Web page.

(d) A temporary producer license is valid for a maximum of six months, during which time the temporary licensee must complete the prelicensing education and examination requirements to convert the temporary license to a regular producer license.

(e)1. An individual may only have one temporary producer license for a particular line of authority in a lifetime, except when the prior license was canceled before expiration, in which case the remaining time may be applied to a subsequent temporary producer license.

2. The Department will rely on its license and appointment records to determine the length of time an individual held a temporary license in a line of authority for purposes of the six month limitation. The Department will not accept or act upon insurer representations that a producer's part appointment terminated earlier than as shown in the Department's records or that the producer did not earn commissions while appointed, or other similar claims which are not established or capable of being established in the Department's records.

(f)1. A temporary producer must be appointed by at least one insurer for each line of authority, but may be appointed to represent more than one insurer only by affiliated companies.

2. Each insurer using temporary producers shall have prospective temporary producer licensees sign a disclosure statement before application is made for the license, whether a new applicant or an applicant using the balance of an unused prior six-month license. The Department will provide a copy of the disclosure form on its Web site. A copy of the signed disclosure shall be provided to the applicant and the original signed disclosure shall be retained by the insurer and made available to the Department upon request.

3. An insurer shall terminate a temporary producer's appointment through the Department within five (5) business days after the date on which the temporary producer's employment with the insurer terminated, whether voluntarily by the producer's decision or involuntarily by the insurer's decision.

(g) The fees for a temporary producer license are the same as for an individual producer license as set forth below:

1. Application fee, Ala. Code § 27-4-2(a)(5)a.1. (1975) \$30.00
2. License fee, Ala. Code § 27-4-2(a)(5)a.2. (1975) \$50.00

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3. Appointment fee, Ala. Code § 27-4-2(a)(6) (1975) \$40.00

(2) Temporary License – Death, Disability or Military Service of Licensed Producer (Type 2).

(a) An individual otherwise qualified as an insurance producer except as to having taken and passed the written examination may apply for a temporary producer license, herein referred to as a “Type 2” temporary license, for any line of insurance according to the requirements set forth in this rule under the following circumstances:

1. The individual is the surviving spouse or court-appointed personal representative of a licensed producer who dies or becomes mentally or physically disabled.

2. The individual is a member or employee of a business entity which is a licensed insurance producer, upon the death or disability of the licensed individual producer designated by the business entity to be responsible for the business entity’s compliance with all applicable laws, rules and regulations.

3. The individual is the designee of a licensed producer entering active service in the Armed Forces of the United States of America.

4. Another circumstance determined by the Commissioner on a case by case basis which best serves the public interest.

(b) The applicant shall submit or transmit the forms provided by the Department to become licensed as a Type 2 temporary insurance producer under this paragraph. Instructions for the licensing process, as they may change from time to time, will be provided by the Department.

(c) The applicant must be sponsored by a licensed insurance producer or insurer who will assume responsibility for all acts of the Type 2 temporary producer.

(c) A Type 2 temporary producer license is valid for a period not to exceed six months, except a Type 2 temporary license issued under circumstances of disabling or confining illness or injury of the producer may be renewed for one additional six month term.

(d) The Type 2 temporary licensee may complete the prelicensing education and examination requirements and convert the Type 2 temporary license to an ordinary producer license.

(e) In the event an individual is unable to serve for the duration of the temporary license, a substitute individual may be licensed under the same requirements and conditions; however, the expiration date of the substitute licensee will be adjusted to conform to the time period indicated above in paragraph (c).

(f) A Type 2 temporary producer licensed under this paragraph may be appointed by more than one insurer.

(g) The fees for a Type 2 temporary producer license are the same as for an individual producer as set forth below:

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1. Application fee, Ala. Code § 27-4-2(a)(5)a.1. (1975) \$30.00
2. License fee, Ala. Code § 27-4-2(a)(5)a.2. (1975) \$50.00
3. Appointment fee, Ala. Code § 27-4-2(a)(6) (1975) \$40.00

(3)(a) Upon successful completion of the required insurance producer examination and any criminal history record check required under Chapter 482-1-157, an unexpired temporary producer license under either paragraph (1) or (2) will be automatically converted to an individual insurance producer license for the same line of authority covered by the examination. No additional fees are required at that time and the new individual insurance producer license will be considered to have been first issued on the date of the conversion from the temporary license for purposes of determining renewal and continuing education requirements.

(b) If the temporary insurance producer license expires prior to successful completion of the required examination and any criminal history record check required under Chapter 482-1-157, the individual must complete the application process for individual insurance producer license to become licensed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-5, 27-7-23, 27-7-24 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013; Revised October 16, 2014, Effective October 26, 2014; Revised August 12, 2015, Effective January 1, 2016

482-1-147-.09 Service Representative License.

(1) An individual may be licensed as a service representative according to the requirements set forth in this rule for the following lines of insurance:

- (a) Property.
- (b) Casualty.
- (c) Personal Lines.

(2) Unless exempt, an individual must comply with the prelicensing education requirements prior to making application for license as a service representative.

(3) A service representative must be employed on salary or at an hourly rate by an insurer, a managing general agent, or a captive producer.

(4) An individual shall complete the Department's on-line licensing process to become licensed as a service representative for a particular line or lines of insurance. Instructions for the on-line licensing process, as they may change from time to time, will be provided on the Department's Web page.

(5) The initial fees for a service representative license are set by statute and are listed on the Department's Web page. Subsequent changes in the name, mailing address, or electronic mail address of a service representative must be reported within 30 days

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thereof. While there is no filing fee for reporting such changes, there is a penalty of \$50 for the failure to report the changes within 30 days. Instructions for the name, mailing address, or electronic mail address change process, as it may change from time to time, will be provided on the Department's Web page.

(6) A service representative must be appointed by at least one insurer for each line of authority and may be appointed to represent more than one insurer.

(7) Service representatives must complete the license renewal process in accordance with Chapter 482-1-110.

(8)(a) If a service representative license is not renewed in accordance with Chapter 482-1-110 the license expires and all insurer appointments are canceled.

(b) Within twelve months of expiration, the former licensee can reapply for a service representative license without having to retake the prelicensing course by following the instructions for the on-line license reinstatement process, as it may change from time to time, as directed on the Department's Web page. Upon receiving the reinstated license, the service representative may then be reappointed by insurers by following the on-line appointment process.

(c) When former licensees have been without a license for over twelve months, they must comply with the prelicensing course requirements before again applying for a service representative license.

(9) When a service representative's license is suspended or revoked, the former licensee should contact the Legal Division of the Department to receive instructions should the former licensee desire to again become licensed.

Author: Commissioner of Insurance

Statutory Authority: Code of Alabama 1975, §§ 27-2-17, 27-7-5 & 27-7-43

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-5 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.10 Appointments.

(1) Any producer, including individuals and business entities, acting on behalf of an insurer must be appointed by the insurer. All temporary producers and service representatives must be appointed by any and all insurers they represent.

(2) All appointments are handled on-line through NIPR.

(3) The notice of appointment shall be completed by the insurer within 15 days from the date the agency contract is executed or the first insurance application is submitted, whichever occurs first.

(4) Insurers may terminate an appointment at any time, subject to the appointee's contract rights, if any. If a licensee wishes to cancel an insurer appointment, the licensee

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should request the insurer to cancel the appointment. All appointment cancellations are handled on-line through NIPR.

(5) All insurers terminating an appointment for reason of “Request Regulator Review,” “Company Indebtedness,” or any other involuntary reason other than inadequate production, shall provide the Department with a statement of the facts relative to the termination and cause thereof, together with any documentation. Any such information provided to the Department is privileged according to subsection (h) of Ala. Code § 27-7-30 (1975), and confidential according to Ala. Code § 27-7-30.3 (1975).

(6) Insurers shall comply with the appointment continuation requirements set forth in Chapter 482-1-109.

(7) The fees associated with initial appointments are as follows:

(a) The notice of appointment fee for producers is \$40 per insurer.

(b) The notice of appointment fee for temporary producers is \$40 plus the \$50 license fee and \$30 application fee, for a total of \$120 to be paid by the insurer at the time of filing the notice of appointment.

(c) The notice of appointment fee for service representatives is \$40 plus a \$30 application fee, for a total of \$70 to be paid by the insurer at the time of filing the notice of appointment.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013; Revised August 12, 2015, Effective January 1, 2016

482-1-147-.11 Effect of disciplinary actions.

(1) The willful violation of any material provision of this chapter may subject a licensee to an administrative proceeding.

(2) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, an applicant may be issued a license on a probationary basis or an existing licensee may be placed on probation for a specified period of time or until certain specified conditions are complied with. A licensee on probation is allowed to become or remain licensed and to renew an existing license, as applicable, if the licensee has complied or is complying with the conditions specified in the settlement agreement, consent order, or other order imposing the probation during the stated term of the probation. During the term of the probation, the licensee remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education and license renewal. If so stated in the settlement agreement and consent order or in the order imposing the probation, failure to

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comply with the conditions set forth in the probation order may result in the immediate suspension or revocation of the license without further administrative proceedings.

(3) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be suspended for either a specified period of time or until certain specified conditions are complied with subject to the following:

(a) During the term of the suspension, the licensee may not engage in any actions or activity for which the license is required, but remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education.

(b) A suspended license may not be renewed if the renewal date occurs during the suspension term.

(c) A suspension is lifted upon expiration of its term or, if based on compliance with specified conditions, by an order issued upon the licensee's showing that the conditions have been met or complied with, or by an order issued after consideration of an application to lift the suspension has been submitted by the licensee. Upon lifting of the suspension, the license is deemed reinstated unless the license has expired or has otherwise terminated during the suspension term.

(d) If the license has expired or otherwise terminated during the suspension term less than twelve (12) months before the date on which the suspension is lifted, the licensee may immediately apply for a license without complying with any applicable prelicensing course and examination requirements. If over twelve (12) months have elapsed between the expiration or other termination of the license and lifting of the suspension, the licensee must comply with any applicable prelicensing course and examination requirements prior to applying for the license.

(4) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be revoked subject to the following:

(a) The Commissioner's acceptance of a "voluntary surrender" of a license in lieu of administrative proceedings to revoke the license is deemed a revocation for purposes of this section irrespective of whether the settlement agreement and consent order or other order, or information provided by the Department to the NAIC characterizes the action as a "revocation."

(b) From and after the date of revocation, the licensee may not engage in any actions or activity for which the license is required.

(c) A person whose license has been revoked must apply to the Commissioner for permission to apply for any form of license issued through the Department. Such application cannot be made before expiration of the later to occur of two (2) years after the revocation date or such longer period as may be specified in the revocation order. The application may be in the form of a letter addressed to the Commissioner with such attachments as the applicant may deem appropriate. Whether to grant such permission is

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at the sole discretion of the Commissioner and is dependent upon the receipt of satisfactory proof that the applicant has complied with such conditions for seeking a license, if any, specified in the revocation order, the conditions which led to the revocation have been corrected, and the possibility of recurrence of the conditions has been substantially mitigated or eliminated and should no longer be used to prevent the reapplication for license.

(d) If satisfied that reasons for the revocation are no longer present and should not be used to prevent the applicant from again becoming licensed, the Commissioner shall issue an order authorizing the applicant to again apply for a license. The applicant must comply with any applicable preclicensing course and examination requirements as if the applicant is initially applying for a license prior to applying for the license.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.12 Fingerprinting.

(1) In accordance with subsection (i) of Ala. Code § 27-7-4.4 (2012), the Commissioner can delay enforcement of the fingerprinting requirement for up to 24 months following January 1, 2013, to allow for implementation.

(2) A separate regulation will be promulgated to provide the requirements and procedures for fingerprinting.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013

482-1-147-.13 Severability and Effective Date.

(1) If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by a court, the remainder of this chapter or the applicability of the provision to other persons or circumstances shall not be affected.

(2) This chapter shall become effective January 1, 2013, upon its approval by the Commissioner of Insurance and upon its having been on file as a public document in the office of the Secretary of State for ten days.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17, 27-7-4.3, 27-7-5, 27-7-23, 27-7-24, 27-7-

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30 & 27-7-43 (1975)

History: New October 18, 2012, effective January 1, 2013