

SENATE BILL No. 37

By Committee on Insurance

1-21

1 AN ACT concerning insurance; relating to producer licensing
2 requirements; agent conduct; pertaining to examinations; fees; renewal
3 dates; suspension, revocation or denial of licensure; licensure renewal;
4 amending K.S.A. 2020 Supp. 40-241, 40-4902, 40-4903, 40-4905, 40-
5 4909, 40-4912, 40-4915, 40-5505 and 40-5512 and repealing the
6 existing sections.
7

8 *Be it enacted by the Legislature of the State of Kansas:*

9 Section 1. K.S.A. 2020 Supp. 40-241 is hereby amended to read as
10 follows: 40-241. Any applicant or prospective applicant for an agent's
11 license, if an individual, shall be given an examination by the
12 commissioner or the commissioner's designee to determine whether such
13 applicant possesses the competence and knowledge of the kinds of
14 insurance and transactions under the license applied for, or to be applied
15 for, of the duties and responsibilities of such a license and of the pertinent
16 provisions of the laws of this state. The applicant shall be tested on each
17 class or subclassification of insurance—~~which~~ *that* may be written. An
18 examination fee prescribed in rules and regulations adopted by the
19 commissioner shall be paid by the applicant and shall be required for each
20 class of insurance for each attempt to pass the examination. Such
21 examination fee shall be in addition to the certification fee required under
22 K.S.A. 40-252, and amendments thereto. There shall be four classes of
23 insurance for the purposes of this act:

- 24 (1) Life;
- 25 (2) accident and health;
- 26 (3) casualty and allied lines; and
- 27 (4) property and allied lines.

28 An insurance license may be issued as a subclassification of casualty
29 and allied lines to any auto rental agency. An auto rental agency may offer
30 or sell insurance only in connection with and incidental to the rental of
31 motor vehicles, whether at the rental office, at the point of delivery of a
32 vehicle, or by preselection of coverage in a master, corporate or group
33 rental agreement, in any of the following general categories:

- 34 (1) Personal accident insurance covering risks of travel;;

- 1 (2) motor vehicle liability insurance;
- 2 (3) personal effects insurance providing coverage to renters and other
3 occupants of the motor vehicle;
- 4 (4) roadside assistance and emergency sickness protection programs;
- 5 and
- 6 (5) any other travel or auto-related coverage an auto rental company
7 may offer in connection with and incidental to rental of motor vehicles. No
8 insurance may be issued by an auto rental agency unless the rental period
9 of the rental agreement does not exceed 90 consecutive days and brochures
10 and other written material clearly and correctly explaining insurance
11 coverages offered by the agency are available for prospective renters and
12 clear and complete disclosures are provided to prospective renters that
13 such coverage may be duplicative of other insurance owned by the renter,
14 that purchase of insurance coverage is not a condition for renting a motor
15 vehicle and describing the process for filing a claim.

16 Auto rental agencies employing representatives shall conduct a training
17 program for each representative, providing instruction on the kinds of
18 insurance coverage offered by the agency.

19 No auto rental agency shall offer or solicit any insurance other than the
20 coverages described in this section without an insurance license. No auto
21 rental employee or auto rental agency shall advertise or otherwise hold
22 themselves out as licensed insurers, insurance agents or insurance brokers.

23 The commissioner of insurance shall adopt rules and regulations with
24 respect to the scope, subclassification, type and conduct of such
25 examination. Examinations shall be given to applicants at least twice a
26 month in Topeka, Kansas, and at least quarterly in other convenient
27 locations in the state of Kansas. The commissioner shall publish or arrange
28 for the publication of information and material which applicants can use to
29 prepare for such examination. One or more rating organizations, advisory
30 organizations or other associations may be designated by the
31 commissioner to assist in, or assume responsibility for, distribution of the
32 study manuals to applicants and other interested parties. Persons
33 purchasing the study manual shall be charged a reasonable fee established
34 or approved by the commissioner. In the event the publication and
35 distribution of the study material or the development and conduct of
36 examinations is delegated to private firms, organizations or associations
37 and the state incurs no expense or obligation, the provisions of K.S.A. 75-
38 3738 ~~to through 75-3744, inclusive~~, and amendments thereto, shall not
39 apply. If the commissioner of insurance finds that the individual applicant
40 is trustworthy, competent and has satisfactorily completed the
41 examination, the commissioner shall forthwith issue to the applicant a
42 license as an insurance agent but the issuance of such license shall confer
43 no authority to transact business in this state until the agent has been

1 certified by a company pursuant to K.S.A. 40-241i, and amendments
2 thereto. If such applicant fails to satisfactorily complete the examination,
3 the examination may be retaken following a waiting period of not less than
4 seven days from the date of the last attempt. If the applicant again fails to
5 satisfactorily complete the examination, it may be retaken following
6 another waiting period of not less than seven days from the date of the
7 most recent attempt. ~~Thereafter, the examination may be retaken following~~
8 ~~a waiting period of not less than six months from the date of the most~~
9 ~~recent attempt, except that following a waiting period of two years from~~
10 ~~the date of the applicant's last examination attempt an applicant will be~~
11 ~~treated as a new applicant and new examination and waiting periods shall~~
12 ~~apply.~~

13 Sec. 2. K.S.A. 2020 Supp. 40-4902 is hereby amended to read as
14 follows: 40-4902. As used in this act:

15 (a) "Approved subject" or "approved course" means any educational
16 presentation involving insurance fundamentals, insurance law, insurance
17 policies and coverage, insurance needs, insurance risk management,
18 insurance agency management or other areas, which is offered in a class,
19 seminar, computer based training, interactive internet training or other
20 similar form of instruction, and ~~which~~ *that* has been approved by the
21 commissioner under this act as expanding skills and knowledge obtained
22 prior to initial licensure under this act or developing new and relevant
23 skills and knowledge in preparation for such licensure.

24 (b) "Biennial due date" means the ~~date~~ *last day of the birth month* of
25 any licensed insurance agent who is required to complete C.E.C.'s and
26 report the completion of such C.E.C.'s to the commissioner pursuant to this
27 act, except that such due date shall not be earlier than two years from the
28 date of the insurance agent's initial licensure under this act. The biennial
29 due date for a registered business entity shall be the *last day of the month*
30 *of the* date of initial licensure under this act.

31 (c) "Biennium" means the period starting with the insurance agent's
32 biennial due date in 2001 and each two-year period thereafter for any
33 insurance agent who was born in an odd-numbered year. For any insurance
34 agent who was born in an even-numbered year, the term shall mean the
35 period starting with the insurance agent's biennial due date in 2002 and
36 each two-year period thereafter. The biennium for a registered business
37 entity shall be the two-year period following such business entity's initial
38 licensure or renewal of such license.

39 (d) "Broker" means any individual who acts or aids in any manner in
40 negotiating contracts of insurance, or in placing risks or in soliciting or
41 effecting contracts of insurance as an agent for an insured other than such
42 individual and not as an agent of an insurance company or any other type
43 of insurance carrier. The term "broker" ~~shall~~ *does* not include: A person

1 working as an officer for an insurance carrier, or in a clerical,
2 administrative or service capacity for an insurance carrier, licensed agent
3 or broker, provided that such person does not solicit contracts of insurance.
4 ~~The term "broker" shall not include,~~ or an attorney-at-law in the
5 performance of such attorney's duties, an insured who places or negotiates
6 the placement of such insured's own insurance, or any employee of an
7 insured engaged in placing or negotiating for placement of insurance for
8 such employee's employer.

9 (e) "Business entity" means any corporation, association, partnership,
10 limited liability company, limited liability partnership or other legal entity.

11 (f) "C.E.C." means continuing education credit containing at least 50
12 minutes of instruction in each clock hour. The term C.E.C. also includes
13 any value, expressed in a whole number of units, assigned by the
14 commissioner to an approved subject.

15 (g) "Commissioner" means the commissioner of insurance as defined
16 in K.S.A. 40-102, and amendments thereto. The term "commissioner
17 ~~shall~~ also ~~include~~ includes any authorized representative or designee of
18 the commissioner.

19 (h) "Department" means the insurance department established by
20 K.S.A. 40-102, and amendments thereto.

21 (i) "Home state" means the District of Columbia and any state or
22 territory of the United States in which an insurance agent maintains such
23 agent's principal place of residence or principal place of business and is
24 licensed to act as an insurance agent.

25 (j) "Inactive agent" means any licensed agent who presents evidence
26 satisfactory to the commissioner ~~which~~ that demonstrates that such agent
27 will not do any act toward transacting the business of insurance for not ~~less~~
28 ~~than two~~ but not more than four years from the date such evidence is
29 received by the commissioner.

30 (k) "Insurance agent" and "agent" means any person required to be
31 licensed under the provisions of chapter 40 of the Kansas Statutes
32 Annotated, and amendments thereto, to sell, solicit or negotiate insurance.
33 For the purposes of ~~this~~ *the uniform agents licensing act*, whenever the
34 terms "agent" or "broker" appear in chapter 40 of the Kansas Statutes
35 Annotated, and amendments thereto, each term ~~shall mean~~ means
36 insurance agent unless the context requires otherwise. "Insurance agent"
37 also includes the terms "insurance producer" or "producer."

38 (l) "Insurance" means any of the lines of authority specified in
39 ~~subsection (a) of~~ K.S.A. 2020 Supp. 40-4903(a), and amendments thereto.

40 (m) "Insurance producer" or "producer" means any person licensed
41 under the laws of another state to sell, solicit, or negotiate insurance. For
42 the purposes of this act, the terms "insurance agent" and "agent" ~~shall~~
43 include an "insurance producer" or "producer" when the context so

1 requires. In the context of a producer database maintained by this state,
2 another state or the NAIC, the term "producer—~~shall include~~" *includes*
3 "agent."

4 (n) "Insurer" and "insurance company"—~~shall have the meaning~~
5 ~~ascribed to the term~~ *means the same as* "insurance company" *as defined* by
6 K.S.A. 40-222c, and amendments thereto.

7 (o) "License" means a document issued by ~~this state's insurance~~ *the*
8 commissioner authorizing a person to act as an insurance agent for the
9 lines of authority specified in such document.

10 (p) "Limited line credit insurance" includes credit life, credit
11 disability, credit property, credit unemployment, involuntary
12 unemployment, mortgage life, mortgage guaranty, mortgage disability,
13 automobile dealer gap insurance and any other form of insurance offered
14 in connection with an extension of credit that is limited to partially or
15 wholly extinguishing that credit obligation that the insurance
16 commissioner determines should be designated a form of limited line
17 credit insurance.

18 (q) "Limited line credit insurance agent" means a person who sells,
19 solicits or negotiates one or more forms of limited line credit insurance
20 coverage to individuals through a master, corporate, group or individual
21 policy.

22 (r) "NAIC" means the national association of insurance
23 commissioners.

24 (s) "Negotiate" means the act of conferring directly with or offering
25 advice directly to any purchaser or prospective purchaser of a particular
26 contract of insurance concerning any of the substantive benefits, terms or
27 conditions of such contract, provided that the person engaged in such act
28 either sells insurance or obtains insurance from insurers for purchasers.

29 (t) "Person" means an individual or a business entity.

30 (u) "Sell" means to exchange a contract of insurance by any means,
31 for money or its equivalent, on behalf of an insurance company.

32 (v) "Solicit"—~~shall include~~ *includes* any attempt to sell insurance or
33 asking or urging a person to apply for any particular kind of insurance
34 from any particular insurance company.

35 Sec. 3. K.S.A. 2020 Supp. 40-4903 is hereby amended to read as
36 follows: 40-4903. (a) Unless denied licensure pursuant to K.S.A.2020
37 Supp. 40-4909, and amendments thereto, any person who meets the
38 requirements of K.S.A. 2020 Supp. 40-4905, and amendments thereto,
39 shall be issued an insurance agent license. An insurance agent may receive
40 qualifications for a license in one or more of the following lines of
41 authority:

42 (1) Life—: Insurance coverage on human lives including benefits of
43 endowment and annuities, and may include benefits in the event of death

1 or dismemberment by accident and benefits for disability income.

2 (2) Accident and health or sickness—: Insurance coverage for
3 sickness, bodily injury or accidental death and may include benefits for
4 disability income.

5 (3) Property—: Insurance coverage for the direct or consequential
6 loss or damage to property of every kind.

7 (4) Casualty—: Insurance coverage against legal liability, including
8 that for death, injury or disability or damage to real or personal property.

9 (5) Variable life and variable annuity products—: Insurance
10 coverage provided under variable life insurance contracts, variable
11 annuities or any other life insurance or annuity product that reflects the
12 investment experience of a separate account.

13 (6) Personal lines—: Property and casualty insurance coverage sold
14 primarily to an individual or family for noncommercial purposes.

15 (7) Credit—: Limited line credit insurance.

16 (8) Crop insurance—: Limited line insurance for damage to crops
17 from unfavorable weather conditions, fire, lightning, flood, hail, insect
18 infestation, disease or other yield-reducing conditions or any other peril
19 subsidized by the federal crop insurance corporation, including multi-peril
20 crop insurance.

21 (9) Title insurance—: Limited line insurance that insures titles to
22 property against loss by reason of defective titles or encumbrances.

23 (10) Travel insurance—: Limited line insurance for personal risks
24 incidental to planned travel, including, but not limited to:

25 (A) Interruption or cancellation of trip or event;

26 (B) loss of baggage or personal effects;

27 (C) damages to accommodations or rental vehicles; or

28 (D) sickness, accident, disability or death occurring during travel.

29 Travel insurance does not include major medical plans, ~~which~~ *that* provide
30 comprehensive medical protection for travelers with trips lasting six
31 months or longer, for example, persons working overseas including
32 military personnel deployed overseas.

33 (11) Pre-need funeral insurance—: Limited line insurance that
34 allows for the purchase of a life insurance or annuity contract by or on
35 behalf of the insured solely to fund a pre-need contract or arrangement
36 with a funeral home for specific services.

37 (12) Bail bond insurance—: Limited line insurance that provides
38 surety for a monetary guarantee that an individual released from jail will
39 be present in court at an appointed time.

40 (13) Self-service storage unit insurance—: Limited line insurance
41 relating to the rental of self-service storage units, including:

42 (A) Personal effects insurance that provides coverage to renters of
43 storage units at the same facility for the loss of, or damage to, personal

1 effects that occurs at the same facility during the rental period; and

2 (B) any other coverage that the commissioner may approve as
3 meaningful and appropriate in connection with the rental of storage units.
4 Such insurance may only be issued in accordance with section 1, and
5 amendments thereto.

6 (14) Any other line of insurance permitted under the provisions of
7 chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and
8 any rules and regulations promulgated thereunder.

9 (b) Unless suspended, revoked or refused renewal pursuant to K.S.A.
10 2020 Supp. 40-4909, and amendments thereto, an insurance agent license
11 shall remain in effect as long as:

12 (1) Education requirements for resident individual agents are met by
13 such insurance agent's biennial due date;

14 (2) *such insurance agent submits an application for renewal on a*
15 *form prescribed by the commissioner; and*

16 (3) *on and after January 1, 2022, such insurance agent pays a*
17 *biennial renewal application fee of \$4.*

18 (c) ~~(1) (A) On and after the effective date of this act: (1) July 1, 2001,~~
19 ~~through December 31, 2021, each licensed insurance agent who is an~~
20 ~~individual and holds a property or casualty qualification, or both, or a~~
21 ~~personal lines qualification shall biennially obtain a minimum of 12~~
22 ~~C.E.C.s in courses certified as property and casualty which shall include~~
23 ~~that includes at least one hour of instruction in insurance ethics which~~
24 ~~also, and may include regulatory compliance. No more than three of the~~
25 ~~required C.E.C.s shall be in insurance agency management.~~

26 (B) *On and after January 1, 2022, except as provided in paragraphs*
27 *(3) through (6), each licensed insurance agent shall biennially obtain a*
28 *minimum of 18 C.E.C.s that include at least three hours of instruction in*
29 *insurance ethics that also may include regulatory compliance.*

30 ~~(2) Each licensed insurance agent who is an individual and holds a~~
31 ~~life, accident and health, or variable contracts qualification, or any~~
32 ~~combination thereof, shall biennially complete 12 C.E.C.s in courses~~
33 ~~certified as life, accident and health, or variable contracts which shall~~
34 ~~include at least one hour of instruction in insurance ethics which also may~~
35 ~~include regulatory compliance. No more than three of the required C.E.C.s~~
36 ~~shall be in insurance agency management. On and after July 1, 2001,~~
37 ~~through December 31, 2021, each licensed insurance agent who is an~~
38 ~~individual and holds a life, accident and health, or variable contracts~~
39 ~~qualification, or any combination thereof, shall biennially obtain a~~
40 ~~minimum of 12 C.E.C.s in courses certified as life, accident and health, or~~
41 ~~variable contracts that include at least one hour of instruction in~~
42 ~~insurance ethics and may include regulatory compliance.~~

43 (3) Each licensed insurance agent who is an individual and holds only

1 a crop qualification shall biennially obtain a minimum of two C.E.C.s in
2 courses certified as crop C.E.C.s under the property and casualty category.

3 (4) Each licensed insurance agent who is an individual and is licensed
4 only for title insurance shall biennially obtain a minimum of four C.E.C.s
5 in courses certified by the board of abstract examiners as title C.E.C.s
6 under the property and casualty category.

7 (5) Each licensed insurance agent who is an individual and holds a
8 life insurance license solely for the purpose of selling pre-need funeral
9 insurance or annuity products shall file a report on or before such agent's
10 biennial due date affirming that such agent transacted no other insurance
11 business during the period covered by the report. ~~Upon request of the~~
12 ~~commissioner, an agent {and}~~ shall provide certification from an officer of
13 each insurance company ~~which~~ *that* has appointed such agent that the
14 agent transacted no other insurance business during the period covered by
15 the report. Agents who have offered to sell or sold only pre-need funeral
16 insurance are exempt from the requirement to obtain C.E.C.s.

17 (6) Each licensed insurance agent who is an individual and holds only
18 a bail bond, *self-service storage unit or travel insurance* qualification is
19 exempt from the requirement to obtain C.E.C.s.

20 *{(7) (A) A licensed insurance agent who is a member of the*
21 *national guard or any reserve component of the armed services of the*
22 *United States who serves on active duty for at least 90 consecutive days*
23 *shall be exempt from the requirement to obtain C.E.C.s during the time*
24 *that such insurance agent is on active duty.*

25 *(B) The commissioner shall grant an extension to any licensed*
26 *insurance agent described in subparagraph (A) until the biennial due*
27 *date that occurs in the year next succeeding the year in which such*
28 *active duty ceases.}*

29 ~~(d) On and after the effective date of this act, each individual~~
30 ~~insurance agent who holds a license with both a property or casualty~~
31 ~~qualification, or both, and a life, accident and health or variable contracts~~
32 ~~qualification, or any combination thereof, and who earns C.E.C.s from~~
33 ~~courses certified by the commissioner as qualifying for credit in any class,~~
34 ~~may apply, at such insurance agent's option, such C.E.C.s toward either the~~
35 ~~property or casualty continuing education requirement or to the life,~~
36 ~~accident and health or variable contracts continuing education~~
37 ~~requirement. However, no C.E.C. shall be applied to satisfy both the~~
38 ~~biennial property or casualty requirement, or both, and the biennial~~
39 ~~requirement for life, accident and health or variable contracts, or any~~
40 ~~combination thereof.~~

41 ~~(e)~~—An instructor of an approved subject shall be entitled to the same
42 C.E.C. as a student completing the study.

43 ~~(f)~~(e) (1) An individual insurance agent who has been licensed for

1 more than one year, on or before such insurance agent's biennial due date,
2 shall file a report with the commissioner certifying that such insurance
3 agent has met the continuing education requirements for the previous
4 biennium ending on such insurance agent's biennial due date. Each
5 individual insurance agent shall maintain a record of all courses attended
6 together with a certificate of attendance for the remainder of the biennium
7 in which the courses were attended and the entire next succeeding
8 biennium.

9 (2) If the required report showing proof of continuing education
10 completion is not received by the commissioner by the individual
11 insurance agent's biennial due date, such individual insurance agent's
12 qualification and each and every corresponding license shall be suspended
13 automatically for a period of 90 calendar days or until such time as the
14 producer satisfactorily demonstrates completion of the continuing
15 education requirement whichever is sooner. In addition, the commissioner
16 shall assess a penalty of \$100 for each license suspended. If such insurance
17 agent fails to furnish to the commissioner the required proof of continuing
18 education completion and the monetary penalty within 90 calendar days of
19 such insurance agent's biennial due date, such individual insurance agent's
20 qualification and each and every corresponding license shall expire on
21 such insurance agent's biennial due date. If after more than three but less
22 than 12 months from the date the license expired, the insurance agent
23 wants to reinstate such insurance agent's license, such individual shall
24 provide the required proof of continuing education completion and pay a
25 reinstatement fee in the amount of \$100 for each license suspended. If
26 after more than 12 months from the date an insurance agent's license has
27 expired, such insurance agent wants to reinstate such insurance agent's
28 license, such individual shall apply for an insurance agent's license,
29 provide the required proof of continuing education completion and pay a
30 reinstatement fee in the amount of \$100 for each license suspended. Upon
31 receipt of a written application from such insurance agent claiming
32 extreme hardship, the commissioner may waive any penalty imposed
33 under this subsection.

34 (3) On and after the effective date of this act, any applicant for an
35 individual insurance agent's license who previously held a license ~~which~~
36 *that* expires on or after June 30, 2001, because of failure to meet
37 continuing education requirements and who seeks to be relicensed shall
38 provide evidence that appropriate C.E.C.s have been completed for the
39 prior biennium.

40 (4) Upon receipt of a written application from an individual insurance
41 agent, the commissioner, in cases involving medical hardship or military
42 service, may extend the time within which to fulfill the minimum
43 continuing educational requirements for a period of not to exceed 180

1 days.

2 (5) This section shall not apply to any inactive insurance agent during
3 the period of such inactivity. For the purposes of this paragraph, "inactive
4 period" or "period of inactivity" ~~shall mean~~ *means* a continuous period of
5 time of ~~not less than two years and~~ not more than four years starting from
6 the date inactive status is granted by the commissioner. Before returning to
7 active status, such inactive insurance agent shall:

8 (A) File a report with the commissioner certifying that such agent has
9 met the continuing education requirement; and

10 (B) pay the renewal fee. If the required proof of continuing education
11 completion and the renewal fee is not furnished at the end of the inactive
12 period, such individual insurance agent's qualification and each and every
13 corresponding license shall expire at the end of the period of inactivity. For
14 issuance of a new license, the individual shall apply for a license and pass
15 the required examination.

16 (6) Any individual who allows such individual's insurance agent
17 license in this state and all other states in which such individual is licensed
18 as an insurance agent to expire for a period of four or more consecutive
19 years, shall apply for a new insurance agent license and pass the required
20 examination.

21 ~~(e)~~(f) (1) Each course, program of study, or subject shall be submitted
22 to and certified by the commissioner in order to qualify for purposes of
23 continuing education.

24 (2) Each request for certification of any course, program of study or
25 subject shall contain the following information:

26 (A) The name of the provider or provider organization;

27 (B) the title of such course, program of study or subject;

28 (C) the date the course, program of study or subject will be offered;

29 (D) the location where the course, program of study or subject will be
30 offered;

31 (E) an outline of each course, program of study or subject including a
32 schedule of times when such material will be presented;

33 (F) the names and qualifications of instructors;

34 (G) the number of C.E.C.s requested;

35 (H) a nonrefundable C.E.C. qualification fee in the amount of \$50 per
36 course, program of study or subject or \$250 per year for all courses,
37 programs of study or subjects submitted by a specific provider or provider
38 organization; and

39 (I) a nonrefundable annual provider fee of \$100.

40 (3) Upon receipt of such information, the commissioner shall grant or
41 deny certification of any submitted course, program of study or subject as
42 an approved subject, program of study or course and indicate the number
43 of C.E.C.s that will be recognized for each approved course, program of

1 study or subject. Each approved course, program of study or subject shall
2 be assigned by the commissioner to one or both of the following classes:

3 (A) Property and casualty; or

4 (B) life insurance, including annuity and variable contracts, and
5 accident and health insurance.

6 (4) Each course, program of study or subject shall have a value of at
7 least one C.E.C.

8 (5) (A) Each provider seeking approval of a course, program of study
9 or subject for continuing education credit shall issue or cause to be issued
10 to each person who attends a course, program of study or subject offered
11 by such provider a certificate of attendance. The certificate shall be signed
12 by either the instructor who presents the course, program of study or
13 course or such provider's authorized representative. Each provider shall
14 maintain a list of all individuals who attend courses offered by such
15 provider for continuing education credit for the remainder of the biennium
16 in which the courses are offered and the entire next succeeding biennium.

17 (B) The commissioner shall accept, without substantive review, any
18 course, program of study or subject submitted by a provider ~~which~~ that has
19 been approved by the insurance supervisory authority of any other state or
20 territory accredited by the NAIC. The commissioner may disapprove any
21 individual instructor or provider who has been the subject of disciplinary
22 proceedings or who has otherwise failed to comply with any other state's
23 or territory's laws or regulations.

24 (6) The commissioner may grant or approve any specific course,
25 program of study or course that has appropriate merit, such as any course,
26 programs of study or course with broad national or regional recognition,
27 without receiving any request for certification. The fee prescribed by
28 subsection ~~(g)~~ (f)(2) shall not apply to any approval granted pursuant to
29 this provision.

30 (7) The C.E.C. value assigned to any course, program of study or
31 subject, other than a correspondence course, computer based training,
32 interactive internet study training or other course pursued by independent
33 study, shall in no way be contingent upon passage or satisfactory
34 completion of any examination given in connection with such course,
35 program of study or subject. The commissioner shall establish, by rules
36 and regulations criteria for determining acceptability of any method used
37 for verification of the completion of each stage of any computer based or
38 interactive internet study training. Completion of any computer based
39 training or interactive internet study training shall be verified in
40 accordance with a method approved by the commissioner.

41 ~~(h)~~(g) Upon request, the commissioner shall provide a list of all
42 approved continuing education courses currently available to the public.

43 ~~(i)~~(h) An individual insurance agent who independently studies an

1 insurance course, program of study or subject ~~which~~ *that* is not an agent's
2 examination approved by the commissioner ~~and who passes an~~
3 ~~independently monitored examination~~, shall receive credit for the C.E.C.s
4 assigned by the commissioner as recognition for the approved subject. No
5 other credit shall be given for independent study.

6 ~~(j)~~(i) Any licensed individual insurance agent who is unable to
7 comply with license renewal procedures due to military service or some
8 other extenuating circumstances may request a waiver of those procedures
9 from the commissioner. Such agent may also request from the
10 commissioner a waiver of any examination requirement or any other fine
11 or sanction imposed for failure to comply with renewal procedures.

12 Sec. 4. K.S.A. 2020 Supp. 40-4905 is hereby amended to read as
13 follows: 40-4905. (a) Subject to the provisions of K.S.A. 2020 Supp. 40-
14 4904, and amendments thereto, it shall be unlawful for any person to sell,
15 solicit or negotiate any insurance within this state unless such person has
16 been issued a license as an insurance agent in accordance with this act.

17 (b) Any person applying for a resident insurance agent license shall
18 make application on a form prescribed by the commissioner. The applicant
19 shall declare under penalty of perjury that the statements made in the
20 application are true, correct and complete to the best of the applicant's
21 knowledge and belief. Before approving the application, the commissioner
22 shall determine that the applicant:

23 (1) Is at least 18 years of age;

24 (2) has not committed any act that is grounds for denial pursuant to
25 this section or suspension or revocation pursuant to K.S.A. 2020 Supp. 40-
26 4909, and amendments thereto;

27 (3) has paid a nonrefundable fee in the amount of \$30; and

28 (4) has successfully passed the examination for each line of authority
29 for which the applicant has applied.

30 (c) If the applicant is a business entity, then, *in addition to the*
31 *requirements of subsection (a)*, the commissioner shall ~~make the following~~
32 ~~additional determinations in addition to those required by subsection (a):~~

33 ~~(1) — also determine the name and address of a licensed agent who~~
34 ~~shall be responsible for the business entity's compliance with the insurance~~
35 ~~laws of this state and the rules and regulations promulgated thereunder;~~

36 ~~(2) — that each officer, director, partner and employee of the business~~
37 ~~entity who acts as an insurance agent is licensed as an insurance agent;~~

38 ~~(3) — that the business entity has disclosed to the department all of its~~
39 ~~officers, directors and partners whether or not such officers, directors,~~
40 ~~partners and employees are licensed as insurance agents; and~~

41 ~~(4) — that the business entity has disclosed to the department each~~
42 ~~officer, director, partner and employee who is licensed as an insurance~~
43 ~~agent.~~

1 ~~(d) Any business entity which acts as an insurance agent and holds a~~
2 ~~direct agency appointment from an insurance company shall be required to~~
3 ~~obtain an insurance agent license.~~

4 ~~(e)(d)~~ The commissioner may require the applicant to furnish any
5 document or other material reasonably necessary to verify the information
6 contained in an application.

7 ~~(f)(e)~~ Each insurer that sells, solicits or negotiates any form of limited
8 line credit insurance shall provide a program of instruction that may be
9 approved by the commissioner to each individual employed by or acting
10 on behalf of such insurer to sell, solicit or negotiate limited line credit
11 insurance.

12 ~~(g)(1) Each licensed insurance agent shall notify the commissioner of~~
13 ~~any officer, director, partner or employee of such insurance agent who:~~

14 ~~(A) Is licensed as an individual insurance agent; and~~

15 ~~(B) was not disclosed in such insurance agent's application for a~~
16 ~~license or any renewal thereof.~~

17 ~~(2) Each licensed insurance agent shall notify the commissioner of~~
18 ~~any of its officers, directors, partners or employees who:~~

19 ~~(A) Have terminated such relationship as an officer, director, partner~~
20 ~~or employee of such insurance agent; and~~

21 ~~(B) has been previously disclosed in such insurance agent's~~
22 ~~application for a license or any renewal thereof.~~

23 ~~(3) Each licensed insurance agent shall notify the commissioner~~
24 ~~within 30 working days of occurrence of any event required to be reported~~
25 ~~under paragraphs (1) or (2) of this subsection. Failure to provide the~~
26 ~~commissioner with the information required by this subsection shall~~
27 ~~subject the licensee to a monetary penalty of \$10 per day for each working~~
28 ~~day the required information is late subject to a maximum of \$50 per~~
29 ~~person per licensing year.~~

30 ~~(f)(1) Each person or entity licensed in this state as an insurance~~
31 ~~agent shall report the following to the commissioner within 30 calendar~~
32 ~~days of occurrence:~~

33 ~~(A) Each disciplinary action on the agent's license or licenses by the~~
34 ~~insurance regulatory agency of any other state or territory of the United~~
35 ~~States;~~

36 ~~(B) each disciplinary action on an occupational license held by the~~
37 ~~licensee, other than an insurance agent's license, by the appropriate~~
38 ~~regulatory authority of this or any other jurisdiction;~~

39 ~~(C) each judgment or injunction entered against the licensee on the~~
40 ~~basis of a violation of any insurance law or conduct involving fraud,~~
41 ~~deceit or misrepresentation;~~

42 ~~(D) all details of any conviction of a misdemeanor or felony other~~
43 ~~than minor traffic violations. The details shall include the name of the~~

1 *arresting agency, the location and date of the arrest, the nature of the*
2 *charge or charges, the court in which the case was tried and the*
3 *disposition rendered by the court;*

4 *(E) each change of name. If the change of name is effected by court*
5 *order, a copy of the court order shall be furnished to the commissioner;*

6 *(F) each change in residence or mailing address, email address or*
7 *telephone number;*

8 *(G) each change in the name or address of the agency with which the*
9 *agent is associated; and*

10 *(H) each termination of a business relationship with an insurer if the*
11 *termination is for cause, including the reason for the termination of the*
12 *business relationship with such insurer.*

13 *(2) Each person or entity licensed in this state as an insurance agent*
14 *shall provide to the commissioner, upon request, a current listing of*
15 *company affiliations and affiliated insurance agents.*

16 *(3) Each business entity licensed in this state as an insurance agent*
17 *shall report each change in legal or mailing address, email address and*
18 *telephone number to the commissioner within 30 days of occurrence.*

19 *(4) Each business entity licensed in this state as an insurance agent*
20 *shall report each change in the name and address of the licensed agent*
21 *who shall be responsible for the business entity's compliance with the*
22 *insurance laws of this state to the commissioner within 30 days of*
23 *occurrence.*

24 ~~(h)~~(g) Any applicant whose application for a license is denied shall be
25 given an opportunity for a hearing in accordance with the provisions of the
26 Kansas administrative procedure act.

27 ~~(h)~~(h) (1) The commissioner may require a person applying for a
28 resident insurance agent license to be fingerprinted and submit to a state
29 and national criminal history record check. The fingerprints shall be used
30 to identify the applicant and to determine whether the applicant has a
31 record of criminal arrests and convictions in this state or other
32 jurisdictions. The commissioner is authorized to submit the fingerprints to
33 the Kansas bureau of investigation and the federal bureau of investigation
34 for a state and national criminal history record check. Local and state law
35 enforcement officers and agencies shall assist the commissioner in the
36 taking and processing of fingerprints of applicants and shall release all
37 records of an applicant's arrests and convictions to the commissioner.

38 (2) The commissioner may conduct, or have a third party conduct, a
39 background check on a person applying for a resident insurance agent
40 license.

41 (3) Whenever the commissioner requires fingerprinting, a
42 background check, or both, any associated costs shall be paid by the
43 applicant.

1 (4) The commissioner may use the information obtained from a
2 background check, fingerprinting and the applicant's criminal history only
3 for purposes of verifying the identification of any applicant and in the
4 official determination of the fitness of the applicant to be issued a license
5 as an insurance agent in accordance with this act.

6 (5) A person applying for a resident insurance agent license who has
7 been fingerprinted and has submitted to a state and national criminal
8 history record check within the past 12 months in connection with the
9 successful issuance or renewal of any other state-issued license may
10 submit proof of such good standing to the commissioner in lieu of
11 submitting to the fingerprinting and criminal history record checks
12 described in subsections ~~(h)(1)~~ and ~~(h)(2)~~.

13 Sec. 5. K.S.A. 2020 Supp. 40-4909 is hereby amended to read as
14 follows: 40-4909. (a) The commissioner may deny, suspend, revoke or
15 refuse renewal of any license issued under this act if the commissioner
16 finds that the applicant or license holder has:

17 (1) Provided incorrect, misleading, incomplete or untrue information
18 in the license application.

19 (2) Violated:

20 (A) Any provision of chapter 40 of the Kansas Statutes Annotated,
21 and amendments thereto, or any ~~rule rules~~ and ~~regulation regulations~~
22 promulgated thereunder;

23 (B) any subpoena or order of the commissioner;

24 (C) any insurance law or regulation of another state; or

25 (D) any subpoena or order issued by the regulatory official for
26 insurance in another state.

27 (3) Obtained or attempted to obtain a license under this act through
28 misrepresentation or fraud.

29 (4) Improperly withheld, misappropriated or converted any moneys
30 or properties received in the course of doing insurance business.

31 (5) Intentionally misrepresented the provisions, terms and conditions
32 of an actual or proposed insurance contract or application for insurance.

33 (6) Been convicted of a misdemeanor or felony.

34 (7) Admitted to or been found to have committed any insurance
35 unfair trade practice or fraud in violation of K.S.A. 40-2404, and
36 amendments thereto.

37 (8) Used any fraudulent, coercive, or dishonest practice, or
38 demonstrated any incompetence, untrustworthiness or financial
39 irresponsibility in the conduct of business in this state or elsewhere.

40 (9) Had an insurance agent license, or its equivalent, denied,
41 suspended or revoked in any ~~other~~ state, district or territory.

42 (10) Forged another person's name to an application for insurance or
43 to any document related to an insurance transaction.

1 (11) Improperly used notes or any other reference material to
2 complete an examination for an insurance license issued under this act.

3 (12) Knowingly accepted insurance business from an individual who
4 is not licensed.

5 (13) Failed to comply with any administrative or court order
6 imposing a child support obligation upon the applicant or license holder.

7 (14) Failed to pay any state income tax or comply with any
8 administrative or court order directing payment of state income tax.

9 (15) Rebated the whole or any part of any insurance premium or
10 offered in connection with the presentation of any contract of insurance
11 any other inducement not contained in the contract of insurance.

12 (16) Made any misleading representation or incomplete comparison
13 of policies to any person for the purposes of inducing or tending to induce
14 such person to lapse, forfeit or surrender such person's insurance then in
15 force.

16 (17) *Failed to respond to an inquiry from the commissioner within 15*
17 *business days.*

18 (b) In addition, the commissioner may *deny*, suspend, revoke or
19 refuse renewal of any license issued under this act if the commissioner
20 finds that the interests of the insurer or the insurable interests of the public
21 are not properly served under such license.

22 (c) (1) *When considering whether to deny, suspend, revoke or refuse*
23 *to renew the application of an individual who has been convicted of a*
24 *misdemeanor or felony, the commissioner shall consider the:*

25 (A) *Applicant's age at the time of the conduct;*

26 (B) *recency of the conduct;*

27 (C) *reliability of the information concerning the conduct;*

28 (D) *seriousness of the conduct;*

29 (E) *factors underlying the conduct;*

30 (F) *cumulative effect of the conduct or information;*

31 (G) *evidence of rehabilitation;*

32 (H) *applicant's social contributions since the conduct;*

33 (I) *applicant's candor in the application process; and*

34 (J) *materiality of any omissions or misrepresentations.*

35 (2) *In determining whether to reinstate or grant to an applicant a*
36 *license that has been revoked, the commissioner shall consider the:*

37 (A) *Present moral fitness of the applicant;*

38 (B) *demonstrated consciousness by the applicant of the wrongful*
39 *conduct and disrepute that the conduct has brought to the insurance*
40 *profession;*

41 (C) *extent of the applicant's rehabilitation;*

42 (D) *seriousness of the original conduct;*

43 (E) *applicant's conduct subsequent to discipline;*

1 (F) amount of time that has elapsed since the original discipline;
2 (G) applicant's character, maturity and experience at the time of
3 revocation; and

4 (H) applicant's present competence and skills in the insurance
5 industry.

6 (d) Any action taken under this section ~~which~~ that affects any license
7 or imposes any administrative penalty shall be taken only after notice and
8 an opportunity for a hearing conducted in accordance with the provisions
9 of the Kansas administrative procedures act.

10 ~~(d)~~(e) The license of any business entity may be suspended, revoked
11 or refused renewal if the insurance commissioner finds that any violation
12 committed by an individual licensee employed by or acting on behalf of
13 such business entity was known by or should have been known by one or
14 more of the partners, officers or managers acting on behalf of the business
15 entity and:

16 (1) Such violation was not reported to the insurance commissioner by
17 such business entity; or

18 (2) such business entity failed to take any corrective action.

19 ~~(e)~~(f) None of the following actions shall deprive the commissioner of
20 any jurisdiction or right to institute or proceed with any disciplinary
21 proceeding against such license, to render a decision suspending, revoking
22 or refusing to renew such license, or to establish and make a record of the
23 facts of any violation of law for any lawful purpose:

24 (1) The imposition of an administrative penalty under this section;

25 (2) the lapse or suspension of any license issued under this act by
26 operation of law;

27 (3) the licensee's failure to renew any license issued under this act; or

28 (4) the licensee's voluntary surrender of any license issued under this
29 act. No such disciplinary proceeding shall be instituted against any
30 licensee after the expiration of two years from the termination of the
31 license.

32 ~~(f)~~(g) Whenever the commissioner imposes any administrative
33 penalty or denies, suspends, revokes or refuses renewal of any license
34 pursuant to subsection (a), any costs incurred as a result of conducting an
35 administrative hearing authorized under the provisions of this section shall
36 be assessed against the person who is the subject of the hearing or any
37 business entity represented by such person who is the party to the matters
38 giving rise to the hearing. As used in this subsection, "costs" shall include
39 witness fees, mileage allowances, any costs associated with the
40 reproduction of documents ~~which~~ that become a part of the hearing record
41 and the expense of making a record of the hearing.

42 ~~(g)~~(h) No person whose license as an agent or broker had been
43 suspended or revoked shall be employed by any insurance company doing

1 business in this state either directly, indirectly, as an independent
2 contractor or otherwise to negotiate or effect contracts of insurance,
3 suretyship or indemnity or perform any act toward the solicitation of or
4 transaction of any business of insurance during the period of such
5 suspension or revocation.

6 ~~(h)~~(i) In lieu of taking any action under subsection (a), the
7 commissioner may:

8 (1) Censure the person; or

9 (2) issue an order imposing an administrative penalty up to a
10 maximum of \$500 for each violation but not to exceed \$2,500 for the same
11 violation occurring within any six consecutive calendar months from the
12 date of the original violation unless such person knew or should have
13 known that the violative act could give rise to disciplinary action under
14 subsection (a). If such person knew or reasonably should have known the
15 violative act could give rise to any disciplinary proceeding authorized by
16 subsection (a), the commissioner may impose a penalty up to a maximum
17 of \$1,000 for each violation but not to exceed \$5,000 for the same
18 violation occurring within any six consecutive calendar months from the
19 date of the imposition of the original administrative penalty.

20 (j) (1) *An applicant to whom a license has been denied after a*
21 *hearing shall not apply for a license again until after the expiration of a*
22 *period of one year from the date of the commissioner's order ~~or such other~~*
23 *period of time as the commissioner may prescribe in the order.*

24 (2) *A licensee whose license was revoked shall not apply for a license*
25 *again until after the expiration of a period of ~~five~~ two years from the date*
26 *of the commissioner's order ~~or such other period of time as the~~*
27 *commissioner may prescribe in the order or revocation.*

28 Sec. 6. On and after January 1, 2022, K.S.A. 2020 Supp. 40-4912 is
29 hereby amended to read as follows: 40-4912. (a) Any company authorized
30 to transact business in this state may, upon determining that the insurance
31 agent is of good business reputation and, if an individual, has had
32 experience in insurance or will immediately receive a course of instruction
33 in insurance and on the policies and policy forms of such company,
34 appoint such insurance agent as the insurance agent of the company under
35 the license in effect for the insurance agent. The appointment shall be
36 made on a form prescribed by the commissioner. Such form shall be sent
37 to the commissioner within 30 days of the date the company appoints such
38 insurance agent. A nonrefundable appointment or certification fee set forth
39 in K.S.A. 40-252, and amendments thereto, shall be paid in accordance
40 with the billing procedures established by the commissioner. Such
41 procedures shall require payment of the fees annually, based on the
42 number of insurance agents appointed during the calendar year preceding
43 the return. The certification fees required by K.S.A. 40-252, and

1 amendments thereto, shall be due for all insurance agents appointed by the
2 company during the preceding calendar year, irrespective of the number of
3 months the insurance agent was appointed for that year. The certification
4 fee shall not be returned for any reason, and failure of the company to
5 certify an insurance agent within 30 working days of such insurance
6 agent's appointment shall subject the company to a penalty of not more
7 than \$25 per calendar day from the date the appropriate return was
8 required from the date of appointment to the date proper certification is
9 recorded by the insurance department.

10 ~~(b) Certification of other than an individual insurance agent will~~
11 ~~automatically include each licensed insurance agent who is an officer,~~
12 ~~director, partner, employee or otherwise legally associated with the~~
13 ~~corporation, association, partnership or other legal entity appointed by the~~
14 ~~company. The required annual certification fee shall be paid for each~~
15 ~~licensed insurance agent certified by the company and the prescribed~~
16 ~~reporting form shall be returned at the same time the company files its tax~~
17 ~~returns as required by K.S.A. 40-252, and amendments thereto.~~

18 ~~(e)~~—With respect to insurance on growing crops, evidence satisfactory
19 to the commissioner that the insurance agent is qualified to transact
20 insurance in accordance with standards or procedures established by any
21 branch of the federal government shall be deemed to be the equivalent of
22 certification by a company.

23 ~~(d)~~(c) Duly licensed insurance agents transacting business in
24 accordance with the provisions of article 41 of chapter 40 of the Kansas
25 Statutes Annotated, and amendments thereto, shall be deemed to be
26 certified by a company for the kinds of insurance permitted under the
27 license in effect for the insurance agent.

28 Sec. 7. K.S.A. 2020 Supp. 40-4915 is hereby amended to read as
29 follows: 40-4915. (a) Notwithstanding the provisions of K.S.A. 2020
30 Supp. 40-4903 and 40-4906, and amendments thereto, any person who is
31 currently licensed as an insurance agent on the day before the effective
32 date of this act and whose biennial due date occurred during the 24
33 calendar months immediately preceding the effective date of this act shall
34 be deemed to be licensed as an insurance agent under this act unless such
35 person's license has been suspended, revoked or refused renewal prior to
36 the effective date of this act.

37 (b) Any person licensed as an insurance agent under the provisions of
38 subsection (a) shall renew such license in accordance with the provisions
39 of this act on or before the first occurrence of such person's biennial due
40 date after the effective date of this act.

41 (c) *If the required renewal application is not received by the*
42 *commissioner by the individual insurance agent's biennial due date, such*
43 *individual insurance agent's qualification and each corresponding license*

1 *shall be suspended automatically for a period of 90 calendar days or until*
2 *such time as the agent satisfactorily submits a completed application,*
3 *whichever occurs first. In addition, the commissioner shall assess a*
4 *penalty of \$100 for each license suspended. If such insurance agent fails*
5 *to furnish to the commissioner the required renewal application and the*
6 *monetary penalty within 90 calendar days of such insurance agent's*
7 *biennial due date, such individual insurance agent's qualification and*
8 *each corresponding license shall expire on such insurance agent's biennial*
9 *due date. If, after more than three but less than 12 months from the date*
10 *the license expired, the insurance agent desires to reinstate such insurance*
11 *agent's license, such individual shall provide the required renewal*
12 *application and pay a reinstatement fee in the amount of \$100 for each*
13 *license suspended. If, after more than 12 months from the date an*
14 *insurance agent's license has expired, such insurance agent desires to*
15 *reinstate such insurance agent's license, such individual shall apply for an*
16 *insurance agent's license, provide the required proof of continuing*
17 *education completion and pay a reinstatement fee in the amount of \$100*
18 *for each license suspended. Upon receipt of a written application from*
19 *such insurance agent claiming extreme hardship, the commissioner may*
20 *waive any penalty imposed under this subsection.*

21 Sec. 8. K.S.A. 2020 Supp. 40-5505 is hereby amended to read as
22 follows: 40-5505. (a) Before issuing a public adjuster license to an
23 applicant under ~~this~~ *the public adjusters licensing act*, the commissioner
24 shall find that the applicant:

25 (1) Is eligible to designate this state as the applicant's home state or is
26 a nonresident who is not eligible for a license under K.S.A. 2020 Supp. 40-
27 5508, and amendments thereto;

28 (2) has not committed any act that is a ground for denial, suspension
29 or revocation of a license as set forth in K.S.A. 2020 Supp. 40-5510, and
30 amendments thereto;

31 (3) is trustworthy, reliable and of good reputation, evidence of which
32 may be determined by the commissioner;

33 (4) is financially responsible to exercise the rights and privileges
34 under the license and has provided proof of financial responsibility as
35 required in K.S.A. 2020 Supp. 40-5511, and amendments thereto;

36 (5) has paid an application fee of \$100; and

37 (6) maintains an office in the home state with public access during
38 regular business hours or by reasonable appointment.

39 (b) In addition to satisfying the requirements of subsection (a), an
40 applicant shall:

41 (1) Be at least 18 years of age; and

42 (2) have successfully passed the public adjuster examination.

43 (c) The commissioner may require any documents reasonably

1 necessary to verify the information contained in the application.

2 (d) (1) *The commissioner may require a person applying for a public*
3 *adjuster license to be fingerprinted and submit to a state and national*
4 *criminal history record check or to submit to a background check, or both.*

5 (A) *The fingerprints shall be used to identify the applicant and to*
6 *determine whether the applicant has a record of criminal history in this*
7 *state or another jurisdiction. The commissioner shall submit the*
8 *fingerprints to the Kansas bureau of investigation and the federal bureau*
9 *of investigation for a state and national criminal history record check.*
10 *Local and state law enforcement officers and agencies shall assist the*
11 *commissioner in the taking and processing of fingerprints of applicants*
12 *and shall release all records of an applicant's arrests and convictions to*
13 *the commissioner.*

14 (B) *The commissioner may conduct or have a third party conduct a*
15 *background check on a person applying for a public adjuster license.*

16 (2) *Whenever the commissioner requires fingerprinting or a*
17 *background check, or both, any associated costs shall be paid by the*
18 *applicant.*

19 (3) *The commissioner may use the information obtained from a*
20 *background check, fingerprinting and the applicant's criminal history only*
21 *for purposes of verifying the identity of the applicant and in the official*
22 *determination of the fitness of the applicant to be issued a license as a*
23 *public adjuster in accordance with the public adjusters licensing act.*

24 Sec. 9. K.S.A. 2020 Supp. 40-5512 is hereby amended to read as
25 follows: 40-5512. (a) As used in this section:

26 (1) "Biennial due date" means the *last day of the month of the date of*
27 *birth of any public adjuster who is required to complete continuing*
28 *education credits and report the completion of the continuing education*
29 *credits to the commissioner, except that such due date shall not be earlier*
30 *than two years from the date of the public adjuster's initial licensure under*
31 *this act.*

32 (2) "Biennium" means, for any public adjuster who was born in an
33 odd-numbered year, the two-year period starting with the public adjuster's
34 biennial due date in 2011 and each two-year period thereafter. For any
35 public adjuster who was born in an even-numbered year, such term means
36 the two-year period starting with the public adjuster's biennial due date in
37 2012 and each two-year period thereafter.

38 (b) An individual, who holds a public adjuster license and who is not
39 exempt under subsection (d), shall satisfactorily complete a minimum of
40 ~~12 18~~ hours of continuing education courses, ~~which shall include 11 hours~~
41 ~~of property/casualty or general continuing education courses and one hour~~
42 *including three hours of ethics, reported on a biennial basis in conjunction*
43 *with the license renewal cycle. Only continuing education courses*

1 approved by the commissioner shall be used to satisfy the requirements of
2 this subsection.

3 (c) Unless suspended, revoked or refused renewal pursuant to K.S.A.
4 2020 Supp. 40-5510, and amendments thereto, a public adjuster's license
5 shall remain in effect as long as the education requirements for a resident
6 public adjuster are met by such public adjuster's biennial due date.

7 (d) The continuing education requirements of this section shall not
8 apply to licensees holding nonresident public adjuster licenses who have
9 met the continuing education requirements of their home state and whose
10 home state gives credit to residents of this state on the same basis.

11 Sec. 10. K.S.A. 2020 Supp. 40-241, 40-4902, 40-4903, 40-4905, 40-
12 4909, 40-4915, 40-5505 and 40-5512 are hereby repealed.

13 Sec. 11. On and after January 1, 2022, K.S.A. 2020 Supp. 40-4912 is
14 hereby repealed.

15 Sec. 12. This act shall take effect and be in force from and after its
16 publication in the statute book.