

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1435

Short Title: Insurance Department Fees - 2.

(Public)

Sponsors: Senator Johnson of Wake.

Referred to: Insurance.

May 31, 1990

A BILL TO BE ENTITLED

AN ACT TO INCREASE FEES FOR LICENSING AND APPOINTMENTS OF
INSURANCE AGENTS, BROKERS, AND ADJUSTERS; AND TO AMEND
OTHER LAWS TO DECREASE COSTS TO THE STATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-33-125 reads as rewritten:

"§ 58-33-125. Fees.

(a) The following table indicates the annual fees that are required for the
respective licenses issued, renewed, or cancelled under this Article and Article 21 of
this Chapter:

Adjuster	\$50.00 <u>\$150.00</u>		
Adjuster, crop hail only		10.00	<u>50.00</u>
Agent appointment cancellation (paid by insurer)		5.00	<u>10.00</u>
Agent appointment, individual		10.00	<u>25.00</u>
Agent appointment, nonindividual		25.00	<u>100.00</u>
Agent, overseas military		10.00	<u>25.00</u>
Broker, nonresident		50.00	<u>100.00</u>
Broker, resident		25.00	<u>50.00</u>
Limited representative		10.00	<u>25.00</u>
Limited representative cancellation (paid by insurer)	5.00 <u>10.00</u>		
Motor vehicle damage appraiser		50.00	<u>150.00</u>
<u>Recertification, continuing education</u>		20.00	
Surplus lines licensee, corporate		50.00	

1 Surplus lines licensee, individual 50.00

2 These fees are in lieu of any other license fees. Fees paid by an insurer on behalf of
3 a person who is licensed or appointed to represent the insurer shall be paid to the
4 Commissioner on a quarterly or monthly basis, in the discretion of the Commissioner.
5 The recertification fee in this subsection shall be paid by persons subject to G.S. 58-33-
6 130 at the time they renew their licenses or appointments under G.S. 58-33-130(c).

7 (b) Whenever a temporary license may be issued pursuant to this Article, the fee
8 shall be at the same rate as provided in subsection (a) of this section; and any amounts
9 so paid for a temporary license may be credited against the fee required for an
10 appointment by the sponsoring company.

11 (c) Any person not registered who is required by law or administrative rule to
12 secure a license shall, upon application for registration, pay to the Commissioner a fee
13 of ~~ten dollars (\$10.00)~~ thirty dollars (\$30.00). In the event additional licensing for other
14 kinds of insurance is requested, a fee of ~~ten dollars (\$10.00)~~ twenty dollars (\$20.00) shall
15 be paid to the Commissioner upon application for registration for each additional kind
16 of insurance.

17 (d) The requirement for an examination or a registration fee does not apply to
18 agents for domestic farmers' mutual assessment fire insurance companies or
19 associations specified in G.S. 105-228.4.

20 (e) In the event a license issued under this Article is lost, stolen, or destroyed, the
21 Commissioner may issue a duplicate license upon a written request from the licensee
22 and payment of a fee of ~~one dollar (\$1.00)~~ five dollars (\$5.00).

23 (f) Whenever a printed record of an agent's file is requested, the fee shall be ten
24 dollars (\$10.00) for each copy whether or not the agent is currently licensed, previously
25 licensed, or no record of that agent exists.

26 (g) All fees prescribed by this section are nonrefundable."

27 Sec. 2. Article 30 of Chapter 58 of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 58-30-310. Exemption from filing fees.**

30 As used in this section, 'Commissioner' includes the Commissioner's deputies,
31 employees, or attorneys of record. The Commissioner is not required to pay any fee to
32 any public officer in this State for filing, recording, issuing a transcript or certificate, or
33 authenticating any paper or instrument pertaining to the exercise by the Commissioner
34 of any of the powers or duties conferred upon him under this Article. This section
35 applies whether or not the paper or instrument is connected with the commencement of
36 an action or proceeding by or against the Commissioner or with the subsequent conduct
37 of an action or proceeding."

38 Sec. 3. G.S. 58-36-35 reads as rewritten:

39 **"§ 58-36-35. Appeal to Commissioner from decision of Bureau.**

40 Any member of the Bureau may appeal to the Commissioner from any decision of
41 the Bureau. After a hearing held on not less than 10 days' written notice to the appellant
42 and to the Bureau, the Commissioner shall issue an order approving the decision or
43 directing the Bureau to reconsider the decision. In the event the Commissioner directs

1 the Bureau to reconsider the decision and the Bureau fails to take action satisfactory to
2 the Commissioner, the Commissioner shall make such order as he may see fit.

3 No later than five business days before each hearing, each party to the hearing shall
4 file, with the Commissioner or his designated hearing officer, a written statement of its
5 case and any evidence it intends to offer at the hearing. Each hearing held by the
6 Commissioner under this section shall be recorded and transcribed. The costs of this
7 recording and transcription shall be borne by and shared equally between or among the
8 parties involved in the hearing. Parties shall, after receiving copies of the transcripts,
9 prepare proposed orders and submit them to the other party or parties and to the
10 Commissioner or hearing officer, who shall then issue an order."

11 Sec. 4. G.S. 58-37-65(c) reads as rewritten:

12 "(c) The Commissioner shall, after a hearing held on not less than 30 days written
13 notice to the appellant and to the Board, (i) issue an order approving the decision of the
14 Board or (ii) after setting out the findings and conclusions as to how the action of the
15 Board is not in accordance with the Plan of Operation, the Standard Practice Manual, or
16 other provisions of this Article, direct the Board to reconsider its decision. In the event
17 the Commissioner directs the Board to reconsider its decision and the Board fails to take
18 action in accordance with the Plan of Operation, the Standard Practice Manual, or other
19 provisions of this Article, the Commissioner may issue an order modifying the action of
20 the Board to the extent necessary to comply with the Plan of Operation, the Standard
21 Practice Manual, or other provisions of this Article.

22 No later than five business days before each hearing, each party to the hearing shall
23 file, with the Commissioner or his designated hearing officer, a written statement of its
24 case and any evidence it intends to offer at the hearing. Each hearing held by the
25 Commissioner under this section shall be recorded and transcribed. The costs of this
26 recording and transcription shall be borne by and shared equally between or among the
27 parties involved in the hearing. Parties shall, after receiving copies of the transcripts,
28 prepare proposed orders and submit them to the other party or parties and to the
29 Commissioner or hearing officer, who shall then issue an order."

30 Sec. 5. G.S. 58-45-50 reads as rewritten:

31 **"§ 58-45-50. Appeal from acts of Association to Commissioner; appeal from**
32 **Commissioner to superior court.**

33 Any person or any insurer who may be aggrieved by an act, ruling or decision of the
34 Association other than an act, ruling or decision relating to the cause or amount of a
35 claimed loss, may, within 30 days after such ruling appeal to the Commissioner. Any
36 hearings held by the Commissioner of Insurance pursuant to such an appeal shall be in
37 accordance with the procedure set forth in G.S. 58-2-50: Provided, however, the
38 Commissioner of Insurance is authorized to appoint a member of his staff as deputy
39 commissioner for the purpose of hearing such appeals and a ruling based upon such
40 hearing shall have the same effect as if heard by the Commissioner. All persons or
41 insureds aggrieved by any order or decision of the Commissioner of Insurance may
42 appeal as is provided by the provisions of G.S. 58-2-75.

43 No later than five business days before each hearing, each party to the hearing shall
44 file, with the Commissioner or his designated hearing officer, a written statement of its

1 case and any evidence it intends to offer at the hearing. Each hearing held by the
2 Commissioner under this section shall be recorded and transcribed. The costs of this
3 recording and transcription shall be borne by and shared equally between or among the
4 parties involved in the hearing. Parties shall, after receiving copies of the transcripts,
5 prepare proposed orders and submit them to the other party or parties and to the
6 Commissioner or hearing officer, who shall then issue an order."

7 Sec. 6. G.S. 58-46-30 reads as rewritten:

8 **"§ 58-46-30. Appeals; judicial review.**

9 The association shall provide reasonable means, to be approved by the
10 Commissioner, whereby any person or insurer affected by any act or decision of the
11 administrators of the Plan or underwriting association, other than an act or decision
12 relating to the cause or amount of a claimed loss, may be heard in person or by an
13 authorized representative, before the governing board of the association or a designated
14 committee. Any person or insurer aggrieved by any decision of the governing board or
15 designated committee, may be appealed to the Commissioner within 30 days from the
16 date of such ruling or decision. The Commissioner, after hearing held pursuant to the
17 procedure set forth in G.S. 58-2-50, shall issue an order approving or disapproving the
18 act or decision with respect to the matter which is the subject of appeal. The
19 Commissioner is authorized to appoint a member of his staff as deputy commissioner
20 for the purpose of hearing such appeals and a ruling based on such hearing shall have
21 the same effect as if heard by the Commissioner personally. All persons or insurers or
22 their representatives aggrieved by any order or decision of the Commissioner may
23 appeal as provided by the provisions of G.S. 58-2-75.

24 No later than five business days before each hearing, each party to the hearing shall
25 file, with the Commissioner or his designated hearing officer, a written statement of its
26 case and any evidence it intends to offer at the hearing. Each hearing held by the
27 Commissioner under this section shall be recorded and transcribed. The costs of this
28 recording and transcription shall be borne by and shared equally between or among the
29 parties involved in the hearing. Parties shall, after receiving copies of the transcripts,
30 prepare proposed orders and submit them to the other party or parties and to the
31 Commissioner or hearing officer, who shall then issue an order."

32 Sec. 7. G.S. 58-2-25 reads as rewritten:

33 **"§ 58-2-25. Other deputies, actuaries, examiners and employees.**

34 The Commissioner shall appoint or employ such other deputies, actuaries,
35 economists, examiners, licensed attorneys, rate and policy analysts, accountants, fire
36 and rescue training instructors, market conduct analysts, insurance complaint analysts,
37 investigators, engineers, building inspectors, risk managers, clerks and other employees
38 as may be found necessary for the proper execution of the work of the Department, at
39 such compensation as shall be fixed and provided by the Department of Administration.
40 If the Commissioner finds it necessary for the proper execution of the work of the
41 Insurance Department to contract with persons, except to fill authorized employee
42 positions, all those contracts, except those provided for in Articles 36 and 37 of this
43 Chapter, shall be made pursuant to the provisions of Article 3C of Chapter 143.

1 Whenever the Commissioner or any deputy or employee of the Department is
2 requested or subpoenaed to testify as an expert witness in any civil or administrative
3 action, the party making the request or filing the subpoena and on whose behalf the
4 testimony is given shall, upon receiving a statement of the cost from the Commissioner,
5 reimburse the Department for the time and expenses incurred by the Department in
6 connection with the testimony."

7 Sec. 8. This act is effective upon ratification.