

120-2-3-.07 Resident Agent License Requirements

(1) In order to be eligible for any resident agent insurance license issued in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

~~(2) The application process for an agent license shall include sponsorship by an insurer licensed to do business in this state. Prior to issuance of the license, the sponsor shall agree to appoint the applicant as a representative of the company. The sponsor shall affirm that an investigation on the general character of the applicant has been conducted by an agency not affiliated with the insurer and that the sponsor recommends the applicant for a license. Such investigation shall include a criminal background check.~~

~~(a) Effective January 1, 2010, the application process for an agent license will no longer require sponsorship by an insurer. Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.~~

(2) New — ~~(b) Effective January 1, 2010, all new~~ applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) The resident agent applicant must complete an approved prelicensing course unless specifically exempted by Chapter 23 of Title 33 of the Official Code of Georgia Annotated or this Regulation. All prelicensing courses must contain a minimum of twenty (20) hours of instruction per major line of authority; the major lines are

- (a) Life;
- (b) Accident and Sickness;
- (c) Property;
- (d) Casualty; and
- (e) Personal Lines.

(4) The applicant must pass the required examination for licensure within 12 months of the completion of the prelicensing course. All applicants must apply for licensure within 12 months from receiving a passing grade on the examination.

(5) Exceptions to the 20 hour prelicensing course requirements:

(a) Applicants for licenses in lines or sublines of property or casualty insurance who hold the designation of Chartered Property and Casualty Underwriter (CPCU), Certified Insurance Counselor (CIC), Certified Insurance Representative (CISR), Certified Risk Manager (CRM);

(b) Applicants for licenses in the lines or sublines of life or health insurance who hold the designation of Chartered Life Underwriter (CLU) or Fellow Life Management Institute (FLMI);

(c) Applicants for temporary licenses;

(d) Applicants for credit insurance agent licenses;

(e) Applicants who provide satisfactory evidence such as a transcript from a college or university indicating successful completion of two (2) college or university courses related to insurance. Such courses must relate to the lines of authority for which the Applicant has applied;

(f) Applicants who hold college degrees in insurance;

(g) Applicants who qualify for exemption under O.C.G.A. §§ 33-23-5(a)(5)(A) and 33-23-5(a)(5)(B);

(h) Applicants for agent licenses as referenced in Rules 120-2-3-.23, .29, .32, .41, and .44 of this Regulation Chapter;

(i) Other applicants as the Commissioner at his discretion may determine.

(6). Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Ga. Comp. R. & Regs. R. 120-2-3-.07

O.C.G.A. Secs. 33-2-9, 33-8-1, 33-23-4, 33-23-5, 33-23-5.1, 33-23-8, 33-23-10, 33-23-12, 33-23-44.

Original Rule entitled "Schedule of License Examinations" adopted. F. and eff. July 20, 1965.

Repealed: New Rule of same title adopted. F. May 21, 1982; eff. June 10, 1982.

Repealed: New Rule of same title adopted. F. June 25, 1991; eff. July 15, 1991.

Repealed: New Rule entitled "License Applications" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Amended: F. Jan. 14, 2000; eff. Feb. 3, 2000.

Repealed: New Rule entitled "Resident Agent License Requirements" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Amended: F. Aug. 23, 2004; eff. Sept. 12, 2004.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

120-2-3-.09 Examinations

(1) All resident applicants required under Chapter 23 of Title 33 of the Official Code of Georgia Annotated shall submit to examination by the Commissioner except:

(a) Applicants for agent licenses in lines or sublines of life or health insurance who hold the designation of CLU or FLMI;

(b) Applicants for agent licenses in lines or sublines of property and casualty who hold the designation of CPCU;

(c) Applicants for licenses as counselors who hold the designation of Certified Insurance Counselor (CIC), Accredited Advisor in Insurance (AAI), Registered Employee Benefits Consultant (REBC), CPCU as specified in Rule 120-2-3-.09(1)(b), CLU or FLMI as specified in Rule 120-2-3-.09(1)(a), or applicants deemed by the Commissioner to have sufficient experience and qualifications in the lines of authority for which the applicant seeks licensure;

(d) Applicants for Limited Health Counselor licensure that have five (5) years' experience licensed as an agent in the line of accident and sickness;

(e) Applicants for Limited Health Counselor licensure that hold the designation of CIC, CLU, FLMI, REBC and Registered Health Underwriter (RHU);

(f) Applicants for limited licenses in accordance with Rules 120-2-3-.29, .31, .32, .39, .44, .45, and .47 of this Regulation Chapter;

(g) Applicants holding a Ph.D. in Risk Management;

(h) Adjusters who are salaried employees of insurers;

(i) Applicants for temporary licenses;

(j) Applicants for credit insurance agent or agency licenses;

(k) Applicants for a workers compensation adjuster license who hold the designation of Certified Workers Compensation Professional (CWCP);

(l) Applicants for adjuster licenses who hold the designation of Universal Claims Certification (UCC);

(m) Such other applicants as the Commissioner may, at his discretion, determine.

(n) The applicant who was previously licensed for the same lines of authority in another state shall not be required to complete any prelicensing education or examination. This exemption is only available if the individual is currently licensed in that state or if the application is received within 90 days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's producer data base records maintained by the National Association of Insurance Commissioners (NAIC), its affiliates, or subsidiaries indicate that the applicant is or was licensed in good standing for the line of authority requested.

(2) The passing grade on examinations for licenses shall be seventy percent (70%).

(3) Any person taking an examination for licensing and not receiving a passing grade shall not be entitled to retake the examination until ~~two~~ **fourteen (14) days** ~~(2) weeks~~ have elapsed, and will be required to pay the appropriate fee. A person who ~~completes a prelicensing course through an independent provider who~~ fails to pass ~~the~~an examination after taking **the exam** ~~it~~ three (3) times **shall not be entitled to retake the** ~~must take a prelicensing course from a different provider prior to retaking the exam. A person who took a prelicensing course taught via a virtual classroom who fails to pass an~~ examination **until sixty (60) days have elapsed, and will be required to pay the appropriate fees.** ~~after taking it three (3) times must take an in-classroom prelicensing course prior to retaking the exam.~~

(4) A person who has not **filed an application** ~~completed the licensing requirements~~ within twelve (12) months of the date of receiving a passing exam score will be required to retake the examination.

Ga. Comp. R. & Regs. R. 120-2-3-.09

O.C.G.A. §§ 33-2-9, 33-8-1, 33-23-5, 33-23-10, 33-23-44.

Original Rule entitled "Temporary License for One Company Only" adopted. F. and eff. July 20, 1965.

Repealed: New Rule entitled "Examinations" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Amended: F. July 23, 1998; eff. Aug. 12, 1998.

Amended: F. Jan. 14, 2000; eff. Feb. 3, 2000.

Repealed: New Rule of same title adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Amended: F. Aug. 23, 2004; eff. Sept. 12, 2004.

Amended: F. July 16, 2009; eff. Aug. 5, 2009.

Amended: ER. 120-2-3-.24 -.09 adopted. F. Jun. 12, 2012; eff. Jun. 12, 2012, as specified by the Agency.

Repealed: New rule with same title adopted. F. Sep. 10, 2012; eff. Sep. 30, 2012.

Amended: F. Apr. 16, 2014; eff. May 6, 2014.

Amended: F. June 6, 2016; eff. Aug. 1, 2016, as specified by the Agency.

Amended: F. Aug. 8, 2018; eff. Aug. 28, 2018.

120-2-3-.11 Background Investigation

(1) Any natural person filing an application or other filing with the Commissioner under Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation must give his or her permission for a criminal background investigation.

(2) **New** ~~Effective January 1, 2010, all new~~ resident applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

Ga. Comp. R. & Regs. R. 120-2-3-.11

O.C.G.A. Secs. 33-2-9, 33-23-5, 33-23-5.1, 33-23-8, 33-23-44.

Original Rule entitled "Background Investigation" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended. F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule of same title adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

120-2-3-.14 Resident Agent Personal Lines License

(1) In order to be eligible for a resident agent personal lines license in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

~~(2) The application process for an agent license shall include sponsorship by an insurer licensed to do business in this state. Prior to issuance of the license, the sponsor shall agree to appoint the applicant as a representative of the company. The sponsor shall affirm that an investigation on the general character of the applicant has been conducted by an agency not affiliated with the insurer and that the sponsor recommends the applicant for a license. Such investigation shall include a criminal background check.~~

~~(a) Effective January 1, 2010, the application process for an agent license will no longer require sponsorship by an insurer. Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.~~

(2) New —~~(b) Effective January 1, 2010, all new~~ applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) The resident agent applicant must complete an approved preclicensing course in personal lines unless specifically exempted by Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation. All preclicensing courses must contain a minimum of twenty (20) hours of instruction. The applicant must pass the required examination for licensure within 12 months of the completion of the preclicensing course. All applicants must apply for licensure within 12 months from receiving a passing grade on the examination.

(4) Exceptions to preclicensing course:

(a) Applicants who hold a designation of Chartered Property and Casualty Underwriter (CPCU);

(b) Applicants who qualify for exemption under O.C.G.A. §§ 33-23-5(a)(5)(A) and 33-235(a)(5)(B);

(c) Applicants for temporary licenses;

(d) Applicants who provide satisfactory evidence such as a transcript from a college or university indicating successful completion of two (2) college or university courses related to insurance. Such courses must relate to the lines of authority for which the Applicant has applied;

(e) Applicants who hold college degrees in insurance;

(f) Other applicants at the Commissioner's discretion.

(5) All continuing education requirements as outlined in Rule 120-2-3-.15 and all renewal requirements as outlined in Rule 120-2-3-.16 apply to personal lines licenses.

(6). Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Ga. Comp. R. & Regs. R. 120-2-3-.14

O.C.G.A. Secs. 33-2-9, 33-8-1, 33-23-5, 33-23-5.1, 33-23-8, 33-23-10, 33-23-12, 33-23-44.

Original Rule entitled "Existing License - Provision for Transition" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Resident Agent Personal Lines License" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.

120-2-3-.16 Dates for Resident License Renewal and Required Filing of Continuing Education Credits

~~(1) For resident licenses issued prior to July 1, 2012, license renewals must be filed by November 1st of each year on forms prescribed by the Commissioner. Failure to timely file the required license renewal forms along with the appropriate fee shall result in the expiration of the license as of December 31st of the year in question.~~

~~(2) For renewals filed July 1, 2012 through December 31st 2012, fees will be prorated for the transition to biennial licenses. The prorated renewal fee for the transition year will be calculated by dividing the two year fee by 24 months multiplied by the number of months the license will be held determined by birth month. The prorated fee will be rounded to the nearest .25 cents.~~

~~(3) Upon renewal the following schedule will be used for the transition from fixed date expiration of December 31, 2012 to birth month expiration:
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~~(a) Beginning July 1, 2012, upon renewal, each licensee's expiration date will be converted to a birth month expiration;~~

~~(1) —(b) After conversion to birth month expiration,~~ license renewals and appropriate fees will be due on the last day of the licensee's birth month;

~~(a)(e)~~ Licensee may file a late renewal with appropriate late fee within 15 days of the last day of the licensee's birth month;

~~(b)(d)~~ Failure to file the required license renewal form along with the appropriate fee shall result in the expiration of the license as of the last day of the licensee's birth month of the year in question.

~~(4) For licenses issued prior to July 1, 2012, all continuing education requirements must be completed on or before December 31, 2012.~~

~~(a) Upon renewal in 2012, continuing education completion deadlines will be converted to a biennial date based on birth month.~~

~~(b) After this conversion, continuing education requirements must be completed biennially on or before the last day of the licensee's birth month.~~

~~(2)(5)~~ Failure to file the complete and correct renewal with required attachments and/or evidence of completion of required continuing education by the required filing date will result in a penalty being assessed when licensee applies for late renewal reinstatement.

(a) The **reinstatement** penalty assessed will be \$150; this penalty is in addition to any required renewal and late fees. The penalty and required fees are to be paid at the time of submission of late renewal reinstatement.

(b) If late renewal reinstatement is received 6 or more months after the expiration date, the licensee is required to submit electronic fingerprints in addition to the \$150 penalty and required renewal and late fees.

~~(3)(6)~~ If an individual fails to file for late renewal reinstatement prior to one (1) year from the license expiration date, the licensee will be required to reapply for the license and satisfy all preclicensing requirements.

~~(4)(7)~~ A licensed insurance producer who is unable to comply with license renewal procedures due to military service may request a waiver of those procedures. The producer may also request a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

Ga. Comp. R. & Regs. R. 120-2-3-.16

O.C.G.A Secs. 33-2-9, 33-23-5, 33-23-18, 33-23-21, 33-23-44.

Original Rule entitled "Dates for Required Filing of Continuing Education Credits" adopted. F. Sept. 10, 1992; eff. Sept 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Dates for Resident License Renewal and Required Filing of Continuing Education Credits" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. Aug. 23, 2004; eff. Sept. 12, 2004.

Amended: F. July 16, 2009; eff. Aug. 5, 2009.

Repealed: New Emergency Rule adopted. F. Jun. 28, 2012; eff. Jun. 28, 2012, as specified by the agency.

Repealed: New Rule of same title adopted. F. Sep. 10, 2012; eff. Sep. 30, 2012.

Amended: F. Apr. 1, 2013; eff. Apr. 21, 2013.

120-2-3-.23 Resident Variable Products

~~(1) Effective July 1, 2002, all licensees who currently hold a variable annuity or variable life license will be issued a variable products license in lieu of their current variable annuity or variable life license. All continuing education requirements as outlined in Rule 120-2-3-.15 and all renewal requirements as outlined in Rule 120-2-3-.16 continue to apply after July 1, 2002.~~

(1)(2) In order for ~~all other~~ resident applicants to be eligible for **a the Variable Products Line of Authority** ~~variable products license~~ in accordance with Chapter 23 of Title 33 of the Official Code of Georgia Annotated and this Regulation, the applicant must make proper application to the Commissioner and pay all required fees.

~~(3) The application process for an agent license shall include sponsorship by an insurer licensed to do business in this state. Prior to issuance of the license, the sponsor shall agree to appoint the applicant as a representative of the company. The sponsor shall affirm that an investigation on the general character of the applicant has been conducted by an agency not affiliated with the insurer and that the sponsor recommends the applicant for a license. Such investigation shall include a criminal background check.~~

~~(a) Effective January 1, 2010, the application process for an agent license will no longer require sponsorship by an insurer. Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.~~

(2) New ~~(b) Effective January 1, 2010, all new~~ applicants, excluding active licensees and individuals that apply for reinstatement within 6 months of expiration date, shall be required to submit electronic fingerprints through a vendor selected by the Department for a criminal background check. The applicant shall bear the cost for electronic fingerprinting.

(3) Resident ~~(4) All resident~~ applicants **and licensees** must hold a valid resident agent license for life insurance. Failure to maintain a current agent's license for life insurance will result in the cancellation of the variable products license.

(4) Resident ~~(5) All resident~~ applicants **and licensees** must **maintain an active registration with the Financial Industry Regulatory Authority (FINRA). Applicant must have successfully completed the** ~~provide proof of current National Association of Securities Industry Essentials Dealers (SIE/NASD)~~ **exam; and either the FINRA Series 6, or 7, examinations. Failure to maintain an active FINRA** ~~Investment Representative (IR) or General Securities (GS)~~ **registration; a current agent's license for life insurance will result in the cancellation of the variable products license** ~~such proof shall accompany the license application.~~

(5)(6) All resident applicants must complete an approved 8 hour precensing course in variable products and provide proof of completion in conjunction with the required application. The applicant must pass the required examination for licensure within 12 months of the completion of the precensing course. All applicants must pass the required variable products examination and apply for licensure within 12 months from receiving a passing grade on the examination. The only applicants exempt from the precensing and

examination requirements are those who qualify for exemption under O.C.G.A. §§ 33-23-5(a)(5)(A) and 33-23-5(a)(5)(B).

(6) ~~(7)~~ All continuing education requirements as outlined in Rule 120-2-3-.15 and all renewal requirements as outlined in Rule 120-2-3-.16 apply to **the Variable Products Line of Authority** ~~personal lines licensees~~.

(7) Upon issuance of the agent license, the licensee must obtain a certificate of authority from each insurer that they will represent.

Ga. Comp. R. & Regs. R. 120-2-3-.23

O.C.G.A. Secs. 33-2-9, 33-8-1, 33-11-66, 33-11-67, 33-23-5, 33-23-5.1, 33-23-10, 33-23-12, 33-23-18, 33-23-28, 33-23-44.

Original Rule entitled "Subagent Record of Transaction" adopted. F. Sept. 10, 1992; eff. Sept. 30, 1992.

Amended: F. Aug. 9, 1996; eff. Aug. 29, 1996.

Repealed: New Rule entitled "Resident Variable Products" adopted. F. Jan. 15, 2003; eff. Feb. 4, 2003.

Repealed: New Rule of same title adopted. F. July 16, 2009; eff. Aug. 5, 2009.