

1 11 NCAC 06A.0101 IS AMENDED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE 8,
2 OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0101 DEFINITIONS

5 (a) In this Chapter, unless the context otherwise requires:

- 6 (1) "Adjusting company" means any insurance company, independent adjusting company,
7 or public adjusting company adjusting claims in this State.
8 ~~(1)~~ (2) "Agent Services Division" or "Division" ~~shall mean~~ means the Agent Services Division
9 of the North Carolina Department of Insurance, the Division responsible for the licensing,
10 education and regulation of agents and other licensees.
11 ~~(2)~~ "Company" ~~shall mean any insurance company properly licensed to do business in this~~
12 ~~State and shall further be defined as in G.S. 58-1-5(3).~~
13 (3) "Professional Testing Service" or "Service" ~~shall mean~~ means the organization
14 specializing in the development and administration of licensing examinations on a
15 contract basis.
16 (4) "State Licensing Examination" or "Examination" ~~shall mean~~ means a collection of items
17 designed to test the applicant's knowledge of the basic concepts, principles and laws
18 relevant to the insurance profession to determine the competence to be licensed in North
19 Carolina.
20 ~~(5) The singular shall include the plural and the masculine shall include the feminine wherever~~
21 ~~appropriate.~~

22 (b) The definitions contained in G.S. 58-33-10 are incorporated in this Chapter by reference.
23

24 *History Note: Authority G.S. 58-2-40; 58-33-30(e)(h);*
25 *Eff. February 1, 1976;*
26 *Readopted Eff. June 12, 1978;*
27 *Amended Eff. October 1, 1990; February 1, 1989; July 1, 1989;*
28 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0211 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0211 N.C. NON-RESIDENT BROKER'S INSURANCE BOND**

6

7 *History Note: Authority G.S. 58-33-30(f)(1);*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. June 12, 1978;*

10 *Amended Eff. February 1, 1989;*

11 *Repealed Eff. February 1, 2008.*

1 **11 NCAC 06A.0217 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0217 NORTH CAROLINA NOTICE OF CANCELLATION**

6 *History Note: Authority G.S. 58-33-55(a)(b);*

7 *Eff. February 1, 1976;*

8 *Readopted Eff. June 12, 1978;*

9 *Amended Eff. February 1, 1989;*

10 *Repealed Eff. February 1, 2008.*

1 11 NCAC 06A.0304 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
2 VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0304 RESPONSIBILITY OF APPLICANT AT EXAMINATION SITE

5 (a) Applicants who have not previously failed the same examination shall bring to the examination site the
6 ~~Certificate of Course Completion/Examination Admission Ticket~~ Examination Admission
7 Ticket/Certificate of Course Completion, their confirmation numbers obtained from the **Service at time of**
8 **testing service at the time of** registration, and two forms of proof of identity, one of which must be photo
9 bearing.

10 (b) Applicants who have previously failed an examination may retake the examination and shall pay
11 applicable fees for each administration.

12 ~~(c) Examination fees may be paid by company check, certified check, cashier's check or money order,~~
13 ~~made payable to the Service.~~

14 ~~(d) (c) Applicants taking the life and health, Medicare supplement, long term care, personal lines, or~~
15 ~~property and liability examination~~ Applicants taking the life, accident and health or sickness, Medicare
16 supplement, long term care, personal lines, property, or casualty examination shall bring to the examination
17 site ~~a "Certificate of Course Completion/Examination Admission Ticket"~~ **an** Examination Admission
18 Ticket/Certificate of Course Completion, validated by an approved prelicensing school or by the Division
19 indicating that the applicant has successfully completed the mandatory prelicensing education requirements
20 as specified in G.S. 58-33-30(d)(2). The ~~"Certificate of Course Completion/Examination Admission~~
21 ~~Ticket"~~ Examination Admission Ticket/Certificate of Course Completion is valid for ~~three months~~ 90 days
22 from the date of course completion or a maximum of five examination sittings, whichever occurs first.

23 ~~(e) (d)~~ (d) No applications shall be supplied at the examination site for completion by applicants; nor shall
24 required supplies be furnished to applicants.

25 ~~(f) (e)~~ (e) Applicants shall arrive at the examination site at the time specified in the current examination
26 schedule.

27 **[]**

28 *History Note:* Authority G.S. 58-2-40; **[]** 58-33-30(d)(2); 58-33-31; 58-33-30(e); 58-33-125;
29 Eff. February 1, 1976;
30 Readopted Eff. June 12, 1978;
31 Amended Eff. April 1, 2003; April 1, 1996; October 1, 1990; February 1, 1989;
32 Amended Eff. February 1, 2008.

1 11 NCAC 06A.0402 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,
2 VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:

3
4 11 NCAC 06A .0402 LICENSING OF RESIDENT AGENT, LTD REPRESENTATIVE AND
5 ADJUSTER

6 ~~(a)~~ The definitions in G.S. 58-33-10 are incorporated into this Rule by reference.

7 ~~(b)~~ (a) An applicant shall hold a life license before making application for a variable life and variable
8 annuity product license. An agent licensed to sell variable life and variable annuity products shall be
9 appointed by a company authorized to sell variable annuities and variable life insurance products in North
10 Carolina. The company shall verify that the agent has met the ~~NASD requirement.~~ requirements of the
11 NASD or its successor organization.

12 ~~(c)~~ (b) A limited representative shall be ~~licensed~~ appointed with each company for which he will solicit
13 ~~business.~~ business for the following kinds of insurance:

- 14 (1) Dental services;
- 15 (2) Limited line credit insurance;
- 16 (3) Motor club;
- 17 (4) Prearrangement insurance, as defined in G.S. 58-60-35(a)(2), when offered or sold by a
18 preneed sales licensee licensed under Article 13D of Chapter 90 of the General Statutes;
- 19 (5) Travel, accident and baggage; or
- 20 (6) Vehicle service agreements and mechanical breakdown insurance.

21 ~~(d)~~ (c) Responsibility of insurance companies for forms:

22 (1) ~~Companies shall make application for limited representatives and adjusters to be licensed.~~

23 []

24 ~~(2)~~ (1) Companies shall have on file with the Division the address of one central licensing office
25 and the individual within such office to which all correspondence, licenses, and invoices
26 will be forwarded.

27 ~~(3)~~ (2) Companies shall have on file with the Division the name of the individual responsible for
28 all agent ~~appointments,~~ appointments and termination of agent appointments ~~and agent~~
29 ~~license applications~~ submitted by the company to the Division.

30 (4) (3) A company shall verify the licensure of an agent before the company appoints the agent.

31 (4) Companies shall notify the Division within 10 days after any change of address of the
32 central licensing office and of any change of the individual within such office to which
33 all correspondence, licenses, and invoices will be forwarded.

34 ~~(e)~~ (d) Responsibility of the ~~agent;~~ agent, limited representative and adjuster:

- 35 (1) An applicant who must take the examination shall comply with Section .0300 of this
36 Subchapter.

1 (2) A person, after surrender or termination of a license for such period of time that he is no
2 longer eligible for waiver of the examination, shall meet all legal requirements for
3 previously unlicensed persons.

4 ~~(3) Any licensee licensed under Chapter 58, Article 33 of the North Carolina General Statutes~~
5 ~~shall notify the Division in writing of any change of residence or business address within~~
6 ~~10 days after the change.~~

7 (4) (3) Every licensee shall, upon demand from the Division, furnish in writing any information
8 relating to the licensee's insurance business within 10 business days after the demand.

9 (f) (e) An applicant for a resident license shall, if applicable, obtain an original letter of clearance from his
10 former state of residency certifying the kinds of insurance for which the applicant was licensed, that all
11 licenses held in that state have been canceled and that the applicant was in good standing in that state at the
12 time of the cancellation of licenses. A letter of clearance shall be is valid for no more than 90 days from
13 date of issuance.

14 (f) A person who applies for a license before January 1, 2008, shall receive the license in accordance with
15 G.S. 58-33-26(c1) without paying an additional registration fee if the license is issued on or after January 1,
16 2008.

17 (g) Only individuals may apply for limited representative and adjuster licenses.

18

19 *History Note:* Authority G.S. 58-2-40; ~~58-2-69~~; 58-2-195(a); 58-33-26; 58-33-30; 58-33-66;
20 58-33-125;

21 *Eff. February 1, 1976;*

22 *Readopted Eff. June 12, 1978;*

23 *Amended Eff. April 1, 2003; February 1, 1996; October 1, 1990; February 1, 1989;*

24 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0404 IS AMENDED WITH CHANGES AS PRINTED IN THE N.C REGISTER,**
2 **VOLUME 22, ISSUE 8, OCTOBER 15, 2007, AS FOLLOWS:**

3
4
5 **11 NCAC 06A .0404 LICENSING OF ~~RESIDENT~~ BROKER**

6 (a) An applicant ~~must~~ shall be a ~~duly~~ licensed agent in North Carolina for each kind of insurance to be
7 brokered.

8 (b) A broker's license gives the holder authority to broker only those kinds of insurance for which he holds
9 an agent's license. Brokering ~~must~~ shall be done through a licensed and appointed agent of the company
10 with which the business is being placed. A broker's license does not confer binding authority; it only gives
11 authority to share in commissions with a writing agent.

12 ~~(e) In addition to all required forms, an applicant must submit a company check, certified check, cashier's~~
13 ~~check or money order, made payable to the N.C. Department of Insurance, in the amount set forth in G.S.~~
14 ~~58-33-125(a).~~

15 ~~(d)~~ (c) Each applicant shall file with his application a surety bond or cash, certificates of deposit, or
16 securities as provided by statute. Any cash, certificate of deposit, or securities deposited in lieu of the
17 surety bond shall be held in accordance with 11 NCAC 11B .0100.

18
19 *History Note: Filed as a Temporary Amendment Eff. October 3, 1991 For a Period of 180 Days to*
20 *Expire on March 30, 1992;*
21 *Authority G.S. 58-2-40; 58-33-30(f),(h)(1);*
22 *Eff. February 1, 1976;*
23 *Readopted Eff. June 12, 1978;*
24 *Amended Eff. March 1, 1992; October 1, 1990; February 1, 1989; July 1, 1986;*
25 *Amended Eff. February 1, 2008.*

1 **11 NCAC 06A.0405 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0405 LICENSING OF NONRESIDENT BROKER**

6

7 *History Note: Filed as a Temporary Amendment Eff. October 3, 1991 For a Period of 180 Days to*

8 *Expire on March 30, 1992;*

9 *Authority G.S. 58-2-40; 58-33-30(f),(h)(2); 58-33-125(a);*

10 *Eff. February 1, 1976;*

11 *Readopted Eff. June 12, 1978;*

12 *Amended Eff. March 1, 1992; October 1, 1990; February 1, 1989;*

13 *Repealed Eff. February 1, 2008.*

1 **11 NCAC 06A.0408 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0408 LICENSING OF MOTOR VEHICLE DAMAGE APPRAISER**

6

7 *History Note: Authority G.S. 58-2-40; 58-33-10(14); 58-33-30;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. June 12, 1978;*

10 *Amended Eff. October 1, 1990; February 1, 1989; July 1, 1986;*

11 *Repealed Eff. February 1, 2008.*

12

1 **11 NCAC 06A.0412 IS WAS PUBLISHED IN THE N.C REGISTER, VOLUME 22, ISSUE 8,**
2 **OCTOBER 15, 2007, TO BE AMENDED – THE DEPARTMENT OF INSURANCE HAS**
3 **DECIDED NOT GO FORWARD WITH AMENDING THIS RULE.**

4
5 **11 NCAC 06A .0412 APPOINTMENT OF AGENT: RESPONSIBILITY OF COMPANY**

6 Before appointing an agent, an insurance company shall determine that:

- 7 (1) The agent holds the proper license for each kind of authority for which the agent will be
8 appointed; and
9 (2) The agent has not committed any act that is a ground for probation, suspension,
10 nonrenewal, or revocation set forth in G.S. 58-33-46.

11
12 *History Note: Authority G.S. 58-2-40; 58-33-40; 58-33-46; 18 U.S.C. 1033;*
13 *Eff. February 1, 1989;*
14 *Amended Eff. April 1, 2003; October 1, 1990.*
15
16
17

1

; October 1, 1990;

2

Amended Eff. February 1, 2008.

1 **11 NCAC 06A.0414 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0414 ADJUSTER'S LEARNER'S PERMIT**

6

7 *History Note: Authority G.S. 58-2-40; 58-33-70;*

8 *Eff. October 1, 1990;*

9 *Amended Eff. April 1, 2003;*

10 *Repealed Eff. February 1, 2008.*

1 **11 NCAC 06A.0504 WAS PUBLISHED IN THE N.C. REGISTER, VOLUME 22, ISSUE 8,**
2 **OCTOBER 15, 2007, FOR REPEAL – THE DEPARTMENT OF INSURANCE HAS DECIDED**
3 **NOT GO FORWARD WITH REPEALING THIS RULE.**

4
5
6 **11 NCAC 06A .0504 NON-RENEWAL: CANCELLATION/LICENSES ISSUED**
7 **DIRECTLY/INDIVIDUAL**

8 Failure to renew a license by the date specified by the Division will result in automatic cancellation of the
9 license by the Division. This rule applies to all self-employed adjusters, brokers, and motor vehicle
10 damage appraisers.

11
12 *History Note: Authority G.S. 58-33-25(n);*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. June 12, 1978;*
15 *Amended Eff. February 1, 1989.*

16
17

1 **11 NCAC 06A.0604 IS REPEALED AS PRINTED IN THE N.C REGISTER, VOLUME 22, ISSUE**
2 **8, OCTOBER 15, 2007, AS FOLLOWS:**

3

4

5 **11 NCAC 06A .0604 PERSONAL INTERVIEWS**

6

7 *History Note: Authority G.S. 58-33-45;*

8 *Eff. February 1, 1976;*

9 *Readopted Eff. June 12, 1978;*

10 *Amended Eff. February 1, 1989;*

11 *Repealed Eff. February 1, 2008.*

12

13