

VIRGINIA ACTS OF ASSEMBLY -- 2010 SESSION

CHAPTER 335

An Act to amend and reenact § 38.2-1874 of the Code of Virginia, relating to the licensing of insurance agents; continuing education program.

[H 939]

Approved April 10, 2010

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1874 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-1874. Continuing education program; plan of operation; approval by Commission.

A. The Board shall submit to the Commission a plan of operation that provides for the fair and nondiscriminatory administration of the continuing insurance education program established pursuant to this article. Such plan shall not become effective until approved by the Commission in writing. The Board may, at any time, propose amendments to the plan of operation, and such amendments shall not become effective until approved by the Commission. The plan of operation shall:

1. Establish guidelines for the Board to utilize in adopting procedures for exercising its powers and duties;

2. Establish guidelines for the Board to utilize in adopting procedures for handling the assets of the continuing insurance education program;

3. Establish guidelines for reimbursing members of the Board for the necessary expenses incurred in the performance of their official duties and for indemnifying members for all expenses and liabilities incurred as a result of their serving as members of the Board;

4. Establish guidelines for determining places and times for meetings of the Board;

5. Establish guidelines for adopting procedures for records to be kept of all financial transactions of the Board and administrator;

6. Establish procedures for the election of Board officers;

7. Establish guidelines pursuant to which the Board may adopt a reasonable means whereby any person aggrieved by an action of the Board or administrator ~~with regard to a course or instructor submission, or with regard to a recommendation by the Board or administrator for disapproval or withdrawal of approval of a course or instructor~~ may appeal such action to the Board, whose decision in such matters shall be final. The Board shall also establish a reasonable means whereby any licensee aggrieved by an action of the Board or administrator having the potential to affect directly such licensee's license status may ~~and~~, after written request, be heard in person or by an authorized representative to review the grievance. Guidelines pertaining to licensees may include additional levels of appeal other than those set forth herein, but shall provide, at a minimum, that (i) if the Board or its administrator fails to grant or reject the grievance within ~~thirty~~ 30 calendar days after it is made, the licensee ~~person~~ filing the grievance may proceed in the same manner as if his grievance had been rejected; (ii) any licensee ~~person~~ adversely affected by the action of the Board or its administrator on such request may, within ~~thirty~~ 30 calendar days after written notice of the action, make a written request for informal review by the Bureau of Insurance, which shall affirm or reverse the action upon not less than ~~ten~~ 10 calendar days' written notice to the licensee ~~person~~ and to the Board or its administrator; and (iii) any licensee ~~person~~ adversely affected by the action of the Bureau of Insurance on such request may, within ~~thirty~~ 30 calendar days after written notice of the action, appeal to the Commission pursuant to the Commission's "Rules of Practice and Procedure." The Commission may affirm or reverse the action upon not less than ~~ten~~ 10 calendar days' written notice to the licensee ~~person~~ and to the Board or its administrator; and

8. Contain guidelines for the Board to utilize in adopting additional provisions necessary or proper for the execution of the powers and duties of the Board including but not limited to (i) program requirements and approved programs of study; (ii) qualifications and responsibilities of course instructors; (iii) management and record-keeping responsibilities; (iv) fee schedules and filing requirements; and (v) course refund policies and procedures.

B. If the Commission disapproves all or any part of the proposed plan of operation or amendment thereto, the Board shall within ~~fifteen~~ 15 calendar days submit for review an appropriate revised plan of operation or amendment thereto. If the Board fails to do so, the Commission shall promulgate a plan of operation or an amended plan of operation. The plan of operation or amended plan of operation approved or promulgated by the Commission shall become effective and operational upon order of the Commission.

C. A regular meeting of the Board shall be held at least annually at such time, date, and place approved by the Board. Special meetings may be called at any time by the chairman. Notices of all regular and special meetings shall be sent to each person serving as a representative on the Board or a

subcommittee of the Board and to the Commission. Each notice shall state the purpose of the meeting and include any proposed changes in rules or procedures. Any such meeting notices shall be given in such form as may be acceptable to the Board at least ~~twenty~~ 20 calendar days prior to the date of the meeting.

D. The books of account, records, reports and other documents of the Board and its administrator shall be open to the Commission for examination at all reasonable hours.

E. There shall be no liability on the part of and no cause of action shall arise against any member of the Board, the Board, the Board's agents or employees, or the Commission or its representatives for any action taken or statement made by them in good faith in the performance of their powers and duties under this article.