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SENATE BILL NO. 1222

Offered January 9, 2019

Prefiled January 4, 2019

A *BILL to amend and reenact §§ 19.2-389, 38.2-1819, 38.2-1820, 38.2-1824, 38.2-1826, 38.2-1838, 38.2-1840, 38.2-1841, 38.2-1842, 38.2-1845.2, 38.2-1845.8, 38.2-1845.9, 38.2-1845.17, 38.2-1845.22, 38.2-1857.2, 38.2-1857.5, 38.2-1857.9, 38.2-1865.1, 38.2-1865.5, 38.2-1876, 38.2-1882, 38.2-1888, and 55-525.30 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 38.2-1825.1 and 38.2-1857.4:1, and to repeal §§ 38.2-1857.3 and 38.2-1857.4 of the Code of Virginia, relating to biennial insurance licensing; fingerprinting; criminal background checks; producer licensing standards.*

Patron—Chafin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-389, 38.2-1819, 38.2-1820, 38.2-1824, 38.2-1826, 38.2-1838, 38.2-1840, 38.2-1841, 38.2-1842, 38.2-1845.2, 38.2-1845.8, 38.2-1845.9, 38.2-1845.17, 38.2-1845.22, 38.2-1857.2, 38.2-1857.5, 38.2-1857.9, 38.2-1865.1, 38.2-1865.5, 38.2-1876, 38.2-1882, 38.2-1888, and 55-525.30 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 38.2-1825.1 and 38.2-1857.4:1 as follows:

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is

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59 necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a
60 conviction record would be compatible with the nature of the employment, permit, or license under
61 consideration;

62 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of
63 Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a
64 position of employment whenever, in the interest of public welfare or safety and as authorized in the
65 Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person
66 with a conviction record would be compatible with the nature of the employment under consideration;

67 8. Public or private agencies when authorized or required by federal or state law or interstate
68 compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the
69 adult members of that individual's household, with whom the agency is considering placing a child or
70 from whom the agency is considering removing a child due to abuse or neglect, on an emergency,
71 temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that
72 the data shall not be further disseminated to any party other than a federal or state authority or court as
73 may be required to comply with an express requirement of law;

74 9. To the extent permitted by federal law or regulation, public service companies as defined in
75 § 56-1, for the conduct of investigations of applicants for employment when such employment involves
76 personal contact with the public or when past criminal conduct of an applicant would be incompatible
77 with the nature of the employment under consideration;

78 10. The appropriate authority for purposes of granting citizenship and for purposes of international
79 travel, including, but not limited to, issuing visas and passports;

80 11. A person requesting a copy of his own criminal history record information as defined in
81 § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a
82 person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of
83 America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any
84 affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board
85 member or any individual who has been offered membership on the board of a Crime Stoppers, Crime
86 Solvers or Crime Line program as defined in § 15.2-1713.1;

87 12. Administrators and board presidents of and applicants for licensure or registration as a child
88 welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services'
89 representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and
90 volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved
91 by family day systems, and foster and adoptive parent applicants of private child-placing agencies,
92 pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction
93 that the data shall not be further disseminated by the facility or agency to any party other than the data
94 subject, the Commissioner of Social Services' representative or a federal or state authority or court as
95 may be required to comply with an express requirement of law for such further dissemination;

96 13. The school boards of the Commonwealth for the purpose of screening individuals who are
97 offered or who accept public school employment and those current school board employees for whom a
98 report of arrest has been made pursuant to § 19.2-83.1;

99 14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law
100 (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of
101 investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

102 15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations
103 of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital
104 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to
105 the limitations set out in subsection E;

106 16. Licensed assisted living facilities and licensed adult day care centers for the conduct of
107 investigations of applicants for compensated employment in licensed assisted living facilities and
108 licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

109 17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth
110 in § 4.1-103.1;

111 18. The State Board of Elections and authorized officers and employees thereof and general registrars
112 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to
113 voter registration, limited to any record of felony convictions;

114 19. The Commissioner of Behavioral Health and Developmental Services for those individuals who
115 are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2,
116 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

117 20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety
118 Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first
119 offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

120 21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the

Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of

182 law for such further dissemination, subject to limitations set out in subsection G;

183 37. The Department of Medical Assistance Services, or its designee, for the purpose of screening
184 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered,
185 or have accepted a position related to the provision of transportation services to enrollees in the
186 Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other
187 program administered by the Department of Medical Assistance Services;

188 38. The State Corporation Commission for the purpose of investigating individuals who are current
189 or proposed members, senior officers, directors, and principals of an applicant or person licensed under
190 Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any
191 other provision of law, if an application is denied based in whole or in part on information obtained
192 from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the
193 Commissioner of Financial Institutions or his designee may disclose such information to the applicant or
194 its designee;

195 39. The Department of Professional and Occupational Regulation for the purpose of investigating
196 individuals for initial licensure pursuant to § 54.1-2106.1;

197 40. The Department for Aging and Rehabilitative Services and the Department for the Blind and
198 Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment
199 and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11
200 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

201 41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

202 42. The State Treasurer for the purpose of determining whether a person receiving compensation for
203 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

204 43. The Department of Social Services and directors of local departments of social services for the
205 purpose of screening individuals seeking to enter into a contract with the Department of Social Services
206 or a local department of social services for the provision of child care services for which child care
207 subsidy payments may be provided;

208 44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of
209 a juvenile's household when completing a predispositional or postdispositional report required by §
210 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; ~~and~~

211 45. *The State Corporation Commission, for the purpose of screening applicants for insurance*
212 *licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2; and*

213 46. Other entities as otherwise provided by law.

214 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records
215 requested may be relevant to such case, the court shall enter an order requiring the Central Criminal
216 Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons
217 designated in the order on whom a report has been made under the provisions of this chapter.

218 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to
219 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the
220 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a
221 copy of conviction data covering the person named in the request to the person making the request;
222 however, such person on whom the data is being obtained shall consent in writing, under oath, to the
223 making of such request. A person receiving a copy of his own conviction data may utilize or further
224 disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data
225 subject, the person making the request shall be furnished at his cost a certification to that effect.

226 B. Use of criminal history record information disseminated to noncriminal justice agencies under this
227 section shall be limited to the purposes for which it was given and may not be disseminated further.

228 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal
229 history record information for employment or licensing inquiries except as provided by law.

230 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records
231 Exchange prior to dissemination of any criminal history record information on offenses required to be
232 reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is
233 being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases
234 where time is of the essence and the normal response time of the Exchange would exceed the necessary
235 time period. A criminal justice agency to whom a request has been made for the dissemination of
236 criminal history record information that is required to be reported to the Central Criminal Records
237 Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination.
238 Dissemination of information regarding offenses not required to be reported to the Exchange shall be
239 made by the criminal justice agency maintaining the record as required by § 15.2-1722.

240 E. Criminal history information provided to licensed nursing homes, hospitals and to home care
241 organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange
242 for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

243 F. Criminal history information provided to licensed assisted living facilities and licensed adult day

care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 38.2-1819. Application for license; fee required; fingerprints.

A. Each applicant for a license shall make application to the Commission, in the form and containing the information the Commission prescribes. Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The prescribed application processing fee shall not be less than ~~fifteen dollars~~ \$10 nor more than ~~thirty dollars~~ \$20 *per line of authority*. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

B. Each individual who is a resident of the Commonwealth shall, at the time of applying for a new license, be fingerprinted in a form and manner prescribed by the Commission to be forwarded along through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The results of the state and national records search shall be forwarded to the Commissioner or the Commissioner's designee, who shall be an employee of the Commission. The cost of fingerprinting and the criminal history record check shall be paid by the applicant. If an applicant's application for a license is denied, the Commission shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant upon request. The information provided to the Commission shall not be disseminated except as provided in this subsection.

C. No resident license requiring an examination shall be issued by the Commission later than 183 calendar days from the date the applicant satisfies the precicensing examination requirements set forth in § 38.2-1817. Applicants failing to satisfy this requirement shall be required to satisfy all precicensing requirements, including the examination, again before applying.

~~C. D.~~ Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in ~~this the~~ Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in ~~this the~~ Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) ~~of this title~~.

§ 38.2-1820. Issuance of license.

A. Each applicant who is at least 18 years of age and who has satisfied the Commission that he is of good character, has a good reputation for honesty, and has complied with the other requirements of this article is entitled to and shall receive a license in the form the Commission prescribes.

B. A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the Uniform Business Entity Application, or such other application acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the ~~fees~~ *nonrefundable application processing fee* set forth in § 38.2-1819; and

2. The business entity has designated an employee, officer, director, manager, member, or partner to serve as the licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth. However, with respect to a business entity applying for a limited lines license pursuant to Article 8 (§ 38.2-1875 et seq.) or 8.1 (§ 38.2-1881 et seq.), the licensed producer designated by the vendor or lessor is not required to be an employee, officer, director,

manager, member, or partner of the vendor or lessor.

C. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1824. Kinds of agents' licenses and appointments issued.

A. 1. The Commission shall issue the following kinds of agents' licenses and appointments under this chapter: Life and annuities insurance agent; health agent; property and casualty insurance agent; personal lines agent; limited lines credit insurance agent; limited lines life and health insurance agent; limited lines property and casualty insurance agent; motor vehicle rental contract insurance agent; restricted nonresident life and annuities insurance agent; restricted nonresident health agent; restricted nonresident property and casualty insurance agent; restricted nonresident personal lines agent; public adjuster; surplus lines broker; title insurance agent; variable contract agent; and viatical settlement broker. For the purposes of nonresident reciprocal licensing as provided in § 38.2-1836, the Commission may issue a license for any other limited line of insurance that the Commission may deem it necessary to recognize.

2. The Commission shall permit insurers, within each insurer's authority, to make the following kinds of appointments: life and health insurance, property and casualty insurance, and title insurance. The appointed agent's authority is limited to that provided by his license and may not be expanded by his appointment or by his contractual agreement with an insurer.

B. The licenses of all individuals and business entities who on August 31, 2002, hold limited licenses to write accident and sickness insurance, or automobile insurance, or casualty insurance, or fidelity and surety bonds, or fire insurance, or life insurance and annuities, shall have such licenses automatically converted to the nearest equivalent license type provided in subsection A; and shall henceforth be subject to all preclicensing and, renewal, and continuing education requirements applicable to such new license type.

C. All individuals and business entities who on July 1, 1999, held limited licenses to write bail (appearance) bonds may remain licensed under such limited licenses until September 1, 2003, but no such license which has lapsed or been revoked shall be reinstated, and no new or additional licenses of such type shall be issued. All such limited licenses shall terminate effective September 1, 2003.

D. All individuals and business entities who on August 31, 2002, hold any of the restricted licenses discontinued effective September 1, 2002, shall have any such licenses converted to the appropriate limited lines license or licenses effective September 1, 2002.

§ 38.2-1825.1. Renewal application and fee; compliance with continuing education requirements; reinstatement; waiver.

A. Beginning January 1, 2021, each individual agent shall submit biennially to the Commission a renewal application in a form and manner prescribed by the Commission, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Licenses shall be renewed biennially based on the agent's month and year of birth. The license for an agent born in an even-numbered year shall expire at the end of the agent's birth month in even-numbered years. The license for an agent born in an odd-numbered year shall expire at the end of the agent's birth month in odd-numbered years. Any license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission in the manner prescribed by the Commission shall automatically be terminated.

B. Each individual agent who is not exempt under § 38.2-1871 shall submit to the Virginia Insurance Continuing Education Board or its administrator proof of compliance with the continuing education requirements set forth in Article 7 (§ 38.2-1866 et seq.) on a biennial basis in conjunction with the agent's license renewal. The agent's license shall not be renewed if the agent has failed to satisfy the applicable continuing education requirements.

C. On or before May 1, 2021, and biennially thereafter, each business entity shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.

D. The nonrefundable renewal application processing fee shall be paid in a manner and in an amount prescribed by the Commission. The prescribed nonrefundable renewal application processing fee shall not be less than \$10 nor more than \$20 per line of authority. All fees shall be collected by the Commission and paid directly into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

E. An individual agent whose license terminates due to failure to renew may, within 12 months from the renewal date, reinstate the same license without the necessity of passing a preclicensing written examination by:

- 1. Submitting a renewal application;*
- 2. Submitting a nonrefundable reinstatement processing fee equivalent to double the nonrefundable renewal application processing fee; and*
- 3. Satisfying the relevant continuing education requirements.*

F. A licensed agent who is unable to comply with the license renewal requirements due to military service or another extenuating circumstance such as a long-term illness or incapacity may request a waiver of those requirements. Requests for waivers of renewal requirements shall be made in a form and manner prescribed by the Commission. Agents seeking a waiver of renewal requirements shall submit all documentation specified by the Commission so as to be received by the Commission no later than the last day of the renewal period. After the renewal period, agents who have failed to complete the renewal waiver requirements may request a waiver from the reinstatement requirements set forth in subdivisions E 1 and 2 within the 12-month reinstatement period. The Commission shall approve or disapprove the waiver request within 30 calendar days of receipt thereof and shall provide written notice of its decision to the applicant for waiver within five calendar days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the renewal period or reinstatement period for which the waiver request was made.

§ 38.2-1826. Requirement to report to Commission.

A. Each licensed agent shall report within 30 calendar days to the Commission, and to every insurer for which he is appointed any change in his residence *address, email address, or name.*

B. Each licensed agent convicted of a felony shall report within 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

C. Each licensed agent shall report to the Commission within 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in the Commonwealth. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. The license authority of any licensed resident agent shall terminate immediately when such agent has moved his residence from the Commonwealth, whether or not the Commission has been notified of such move.

E. Each business entity acting as an insurance producer shall report within 30 calendar days to the Commission the removal, for any reason, of the designated licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision B 2 of § 38.2-1820, along with the name of the new designated licensed producer.

§ 38.2-1838. License required of consultants; fingerprinting.

A. No person, unless he holds an appropriate license shall:

1. Represent to members of the public that he provides planning or consulting services beyond those within the normal scope of activities of a licensed insurance agent; or

2. Except as provided in § 38.2-1812.2, charge or receive, directly or indirectly, a fee or other compensation for insurance advice, other than commissions received in such person's capacity as a licensed insurance agent or surplus lines broker resulting from selling, soliciting, or negotiating insurance or health care services as allowed by his license.

B. Each individual applying for an insurance consultant's license shall apply to the Commission in a form acceptable to the Commission, and shall provide satisfactory evidence of having met the following requirements:

1. To be licensed as a property and casualty insurance consultant the applicant must pass, within 183 calendar days prior to the date of application for such license, the property and casualty examination as required in § 38.2-1817, except that an applicant who, at the time of such application holds an active property and casualty insurance agent license, shall be exempt from the examination requirements;

2. To be licensed as a life and health insurance consultant, the applicant must pass, within 183 calendar days prior to the date of application for such license, both the life and annuities and the health examinations as required in § 38.2-1817, except that an applicant who, at the time of such application holds both an active life and annuities license and an active health agent license, shall be exempt from the examination requirements; ~~and~~

3. Each individual applicant for an insurance consultant license shall, at the time of applying for a new license, be fingerprinted in a form and manner prescribed by the Commission to be forwarded along through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The results of the state and national records search shall be forwarded to the Commissioner or the Commissioner's

designee, who shall be an employee of the Commission. The cost of fingerprinting and the criminal history record check shall be paid by the applicant. If an applicant's application for a license is denied, the Commission shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant upon request. The information provided to the Commission shall not be disseminated except as provided in this subsection; and

4. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

C. Any individual who acts as an insurance consultant as an officer, director, principal or employee of a business entity shall be required to hold an appropriate individual license as an insurance consultant.

D. A business entity acting as an insurance consultant is required to obtain an insurance consultant license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in this section; and

2. The business entity has designated an employee, officer, director, manager, member, or partner to serve as the licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of the Commonwealth.

E. The Commission may require any documents reasonably necessary to verify the information contained in an application.

F. Each applicant for an insurance consultant's license shall ~~submit, at the time of applying for a license, pay~~ a nonrefundable application processing fee of \$50 ~~at the time of initial application for such license in an amount and in a manner prescribed by the Commission.~~

§ 38.2-1840. Renewal application and fee; compliance with continuing education requirements; reinstatement; waiver.

A. ~~Before June 1 of each year Beginning January 1, 2021, each insurance consultant shall remit a renewal application in a form and manner acceptable submit biennially to the Commission a renewal application in a form and manner prescribed by the Commission, along with the a nonrefundable renewal application processing fee prescribed herein by the Commission, for the renewal of the license; unless the license has been terminated, suspended or revoked on or before June 30 of that year. Any consultant license for which the required renewal application and nonrefundable renewal application processing fee has been received by the Commission on or before June 1 shall be renewed for a one-year period beginning on July 1 and ending on the following June 30. Any consultant license for which the required renewal application and nonrefundable renewal application processing fee has not been received by the Commission by June 1 shall be terminated effective on June 30. Licenses shall be renewed biennially based on the insurance consultant's month and year of birth. The license for a consultant born in an even-numbered year shall expire at the end of the consultant's birth month in even-numbered years. The license for a consultant born in an odd-numbered year shall expire at the end of the consultant's birth month in odd-numbered years. Any consultant license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any consultant license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.~~

B. Each individual insurance consultant who is not exempt under § 38.2-1871 shall submit to the Virginia Insurance Continuing Education Board or its administrator proof of compliance with the continuing education requirements set forth in Article 7 (§ 38.2-1866 et seq.) on a biennial basis in conjunction with the insurance consultant's license renewal. The insurance consultant's license shall not be renewed if the agent has failed to satisfy the applicable continuing education requirements.

C. On or before May 1, 2021, and biennially thereafter, each business entity licensed as a consultant shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any consultant license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any consultant license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.

D. The ~~annual~~ nonrefundable renewal processing fee for each insurance consultant's license shall be ~~fifty dollars, which~~ shall be paid in a manner ~~and in an amount~~ prescribed by the Commission. All fees shall be collected by the Commission and paid ~~directly~~ into the state treasury and ~~placed to the credit of~~ credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

E. An individual insurance consultant whose license terminates due to failure to renew may, within 12 months from the renewal date, reinstate the same license without the necessity of passing a written examination by:

1. Submitting a renewal application;
2. Submitting a nonrefundable reinstatement processing fee equivalent to double the nonrefundable renewal application processing fee; and

3. Satisfying the relevant continuing education requirements.

F. An individual insurance consultant who is unable to comply with the license renewal requirements due to military service or another extenuating circumstance such as a long-term illness or incapacity may request a waiver of those requirements. Requests for waivers of renewal requirements shall be made in a form and manner prescribed by the Commission. Insurance consultants seeking a waiver of renewal requirements shall submit all documentation specified by the Commission so as to be received by the Commission no later than the last day of the renewal period. After the renewal period, insurance consultants who have failed to complete the renewal waiver requirements may request a waiver from the reinstatement requirements set forth in subdivisions E 1 and 2 within the 12-month reinstatement period. The Commission shall approve or disapprove the waiver request within 30 calendar days of receipt thereof, and shall provide written notice of its decision to the applicant for waiver within five calendar days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the renewal period or reinstatement period for which the waiver request was made.

§ 38.2-1841. Termination, suspension, or revocation of license.

A. A license issued to an individual insurance consultant shall authorize him to act as an insurance consultant until his license is otherwise terminated, suspended, or revoked.

B. A license issued to a business entity shall authorize such business entity to act as an insurance consultant until such license is otherwise terminated, suspended, or revoked. The dissolution or discontinuance of a partnership, whether by intent or by operation of law, shall automatically terminate the insurance consultant's license issued to such partnership. The Bureau shall automatically terminate all insurance consultant licenses within 90 calendar days of receiving notification from the clerk of the Commission that the certificate of organization or charter of a domestic limited liability company or corporation respectively, whether by intent or by operation of law, has been terminated or that the certificate of registration or certificate of authority of a foreign limited liability company or corporation, respectively, has been revoked.

C. The termination of a ~~consultant's license~~ consultant as an insurance agent pursuant to subsection A of § 38.2-1825 shall not result in the termination of the consultant's license, provided ~~that the annual~~ renewal application and nonrefundable renewal application processing fee prescribed in § 38.2-1840 continues to be paid, the consultant license continues to be renewed as required by § 38.2-1840, and the license is not otherwise revoked, suspended, or terminated.

D. The license authority of any business entity licensed as a consultant shall terminate immediately if the designated licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision D 2 of § 38.2-1838 is removed for any reason and a new responsible producer has not been designated and the Commission notified within 30 calendar days of such removal and of the new designated responsible producer.

§ 38.2-1842. Requirement to report to Commission.

A. Each licensed insurance consultant shall report within ~~thirty~~ 30 calendar days to the Commission any change in his residence ~~address, email address,~~ or name.

B. In addition to the requirements of §§ 59.1-69 and 59.1-70, any individual or business entity licensed as an insurance consultant in ~~this the~~ Commonwealth and operating under an assumed or fictitious name shall notify the Commission, at the earlier of the time the application for an insurance consultant license is filed or within ~~thirty~~ 30 calendar days from the date the assumed or fictitious name is adopted, setting forth the name under which the insurance consultant intends to operate in Virginia. The Commission shall also be notified within ~~thirty~~ 30 calendar days from the date of cessation of the use of such assumed or fictitious name.

C. Each licensed insurance consultant convicted of a felony shall report within ~~thirty~~ 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

D. Each licensed insurance consultant shall report to the Commission within ~~thirty~~ 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in ~~this the~~ Commonwealth. Such report shall include a copy of the

order, consent to order or other relevant legal documents.

E. The license authority of any licensed resident insurance consultant shall terminate immediately when such insurance consultant has moved his residence from ~~this~~ *the* Commonwealth, whether or not the Commission has been notified of such move.

§ 38.2-1845.2. License required of resident public adjusters.

A. No person shall engage in the business of public adjusting; ~~on or after January 1, 2013,~~ without first applying for and obtaining a license from the Commission, except as provided in § 38.2-1845.3. ~~Every license issued pursuant to this article shall be for a term expiring two years from the date of issuance and may be renewed for ensuing two-year periods.~~

B. Each individual applicant for a public adjuster license who is at least 18 years of age, who has satisfied the Commission that he (i) is of good character; (ii) has a reputation for honesty; (iii) has not committed any act that is a ground for refusal to issue, ~~denial deny,~~ *suspension suspend,* or *revocation* ~~of revoke~~ a public adjuster license as set forth in § 38.2-1845.10; and (iv) has complied successfully with the other requirements of this article is entitled to and shall receive a license under this chapter in the form and manner prescribed by the Commission. The Commission may require, for resident licensing, proof of residency as described in subsection B of § 38.2-1800.1.

C. Each individual applicant for a public adjuster license shall apply to the Commission in the form and manner prescribed by the Commission and shall provide satisfactory evidence of having met the following requirements:

1. Each applicant shall pass, within 183 calendar days prior to the date of application for such license, the public adjuster examination as required by the Commission pursuant to and in accordance with the requirements set forth in § 38.2-1845.4.

2. Each applicant for a public adjuster license shall submit a nonrefundable application processing fee *in an amount and in a manner* prescribed by the Commission at the time of initial application for such license. *The fee shall be collected by the Commission and paid directly into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.*

3. Prior to issuance of a license, each applicant shall attest that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all precensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

4. *Each individual applicant for a public adjuster license shall, at the time of applying for a new license, be fingerprinted in a form and manner prescribed by the Commission to be forwarded along through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The results of the state and national records search shall be forwarded to the Commissioner or the Commissioner's designee, who shall be an employee of the Commission. The cost of fingerprinting and the criminal history record check shall be paid by the applicant. If an applicant's application for a license is denied, the Commission shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant upon request. The information provided to the Commission shall not be disseminated except as provided in this subsection.*

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the Clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the Clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the Clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

E. Any individual who acts as a public adjuster and who is also an officer, director, principal, or employee of a business entity acting as a public adjuster in the Commonwealth shall be required to hold an appropriate individual license as a public adjuster in the Commonwealth.

F. A business entity acting as a public adjuster is required to obtain a public adjuster license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee prescribed by the Commission;
 2. The business entity has demonstrated proof of residency pursuant to subsection B of § 38.2-1800.1; and

3. The business entity has designated an individual employee, officer, director, manager, member, or partner licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

G. Prior to issuance of a license, each entity shall attest that the entity has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the entity shall be required to satisfy any and all precensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

H. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1845.8. Renewal application and fee; reinstatement; waiver.

A. ~~Each Beginning January 1, 2021, each individual~~ licensed public adjuster shall ~~remit submit~~ biennially to the Commission a renewal application in a form and manner ~~acceptable to~~ prescribed by the Commission, along with the nonrefundable renewal application processing fee prescribed by the Commission for the renewal of the license. ~~Licenses shall be renewed biennially based on the public adjuster's month and year of birth. The license for a public adjuster born in an even-numbered year shall expire at the end of the public adjuster's birth month in even-numbered years. The license for a public adjuster born in an odd-numbered year shall expire at the end of the public adjuster's birth month in odd-numbered years.~~ Any public adjuster license for which the required renewal application and nonrefundable renewal application processing fee ~~has have~~ been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked be renewed for a two-year period. Any public adjuster license for which the ~~required~~ renewal application and nonrefundable renewal application processing fee ~~has have~~ not been received by the Commission in the manner prescribed by the Commission shall automatically be terminated.

B. ~~On or before May 1, 2021, and biennially thereafter, each business entity licensed as a public adjuster shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any public adjuster license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.~~

C. The nonrefundable renewal processing fee for each public adjuster license shall be paid in a manner and in an amount prescribed by the Commission. All fees shall be collected by the Commission and paid directly into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

~~C.~~ D. No nonresident public adjuster license shall be renewed unless the applicant meets the requirements for initial licensure as set forth in § 38.2-1845.5.

E. An individual public adjuster whose license terminates due to failure to renew may, within 12 months from the renewal date, reinstate the same license without the necessity of passing a written examination by:

1. Submitting a renewal application;
2. Submitting a nonrefundable reinstatement processing fee equivalent to double the nonrefundable renewal application processing fee; and
3. Satisfying the relevant continuing education requirements.

F. An individual public adjuster who is unable to comply with the license renewal requirements due to military service or another extenuating circumstance such as a long-term illness or incapacity may request a waiver of those requirements. Requests for waivers of renewal requirements shall be made in a form and manner prescribed by the Commission. Public adjusters seeking a waiver of renewal requirements shall submit all documentation specified by the Commission so as to be received by the Commission no later than the last day of the renewal period. After the renewal period, public adjusters

674 *who have failed to complete the renewal waiver requirements may request a waiver from the*
675 *reinstatement requirements set forth in subdivisions E 1 and 2 within the 12-month reinstatement period.*
676 *The Commission shall approve or disapprove the waiver request within 30 calendar days of receipt*
677 *thereof, and shall provide written notice of its decision to the applicant for waiver within five calendar*
678 *days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the*
679 *renewal period or reinstatement period for which the waiver request was made.*

680 **§ 38.2-1845.9. Continuing education; approval of credits; failure to satisfy requirements;**
681 **termination of license.**

682 A. An individual who holds a public adjuster license and who is not exempt under subsection B shall
683 satisfactorily complete a minimum of 24 hours of approved continuing education courses, including three
684 hours of ethics, reported on a biennial basis in conjunction with his license renewal.

685 B. This section shall not apply to licensees holding nonresident public adjuster licenses who have
686 met the continuing education requirements of their home state and whose home state gives credit to
687 residents of the Commonwealth on the same basis.

688 C. 1. The Commission or its administrator shall approve all continuing education instructors,
689 continuing education courses, and programs of instruction. The Commission shall establish and monitor
690 standards for the education of public adjusters, approve courses, including evaluating credit hours for all
691 courses or programs offered, and set minimum requirements for course instructors. The Commission
692 shall have the authority to disapprove or withdraw approval of course sponsors, courses, or course
693 instructors when the established standards are not satisfied or where such standards have been violated.

694 2. The number of credits for each self-study course, correspondence course, or program of classroom
695 instruction shall be determined in a manner prescribed by the Commission. However, for an approved
696 classroom course, a credit hour shall be equivalent to a classroom hour providing at least 50 minutes of
697 continuous instruction or participation. No credits shall be granted for approved classroom courses unless
698 notice to the Commission or its administrator is accompanied by proof of attendance by the course
699 provider. No credits shall be granted for any correspondence or self-study course that does not include a
700 test of the subject matter, which shall be successfully completed by each public adjuster requesting
701 credit. The Commission shall have the right to review and approve or disapprove the proposed test as
702 part of the course approval process.

703 3. An instructor of an approved continuing education course shall be eligible to receive the same
704 number of credits as a person enrolled in the course for the purpose of meeting the requirements.
705 However, public adjusters and instructors may apply credits for attending or teaching the same course
706 only once during any continuing education reporting period.

707 D. Each public adjuster holding a license subject to the continuing education requirements of this
708 article shall complete all continuing education courses, pay a nonrefundable fee, and shall submit to the
709 Commission or its administrator proof of compliance with continuing education requirements in the form
710 and manner required by the Commission.

711 E. Any public adjuster subject to this article who fails to submit complete documentation, showing
712 proof of compliance with continuing education requirements, as well as all specified forms and
713 nonrefundable fees, to the Commission or its administrator shall be deemed to be in noncompliance with
714 the requirements of this article.

715 F. 1. The license of the public adjuster shall not be renewed if the public adjuster has failed to
716 satisfy the continuing education requirements of this section.

717 2. A public adjuster shall have 30 calendar days to appeal to the Commission or its administrator the
718 decision to administratively terminate the license for failure to complete continuing education
719 requirements as required by this section. A public adjuster wishing to contest the Commission's action in
720 terminating a license shall adhere to the Commission's Rules of Practice and Procedure (5VAC5-20-10
721 et seq.) and the Rules of Supreme Court of Virginia. Failure by the public adjuster to initiate such
722 contest within 30 calendar days following the date of license termination shall be deemed a waiver by
723 the public adjuster of the right to contest such license termination.

724 G. A resident public adjuster whose license has been terminated under the terms of this section *and*
725 *whose license is not reinstated pursuant to § 38.2-1845.8* shall be permitted to make application for a
726 new license if all of the requirements of § 38.2-1845.2 are met.

727 H. Each public adjuster shall pay a nonrefundable continuing education processing fee in an amount
728 prescribed by the Commission.

729 **§ 38.2-1845.17. Requirement to report to Commission.**

730 A. Each licensed public adjuster shall report within 30 calendar days to the Commission any change
731 in his residence *address, email address*, or name.

732 B. In addition to the requirements of §§ 59.1-69 and 59.1-70, any individual or business entity
733 licensed as a public adjuster in the Commonwealth and operating under an assumed or fictitious name
734 shall provide notice to the Commission, at the earlier of the time the application for a public adjuster
735 license is filed or within 30 calendar days from the date the assumed or fictitious name is adopted,

setting forth the name under which the public adjuster intends to operate in the Commonwealth. The Commission shall also be notified within 30 calendar days from the date of cessation of the use of such assumed or fictitious name.

C. Each licensed public adjuster shall report to the Commission any conviction involving a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust in another jurisdiction or in the Commonwealth within 30 calendar days of the final disposition of the matter. This report shall include a copy of the order and other relevant legal documents.

D. Each licensed public adjuster shall report to the Commission within 30 calendar days of the final disposition of the matter of any administrative action taken against him in another jurisdiction or by another governmental agency in the Commonwealth. Such report shall include a copy of the order, consent order, or other relevant legal documents.

§ 38.2-1845.22. Power of Commission to investigate affairs of persons engaged in the business of public adjusting; penalties for refusal to permit investigation.

The Commission shall have power to examine and investigate the business affairs of any person engaged or alleged to be engaged in the business of public adjusting in the Commonwealth to determine whether the person has engaged or is engaging in any violation of this title. The Commission shall have the right to examine all records relating to the business of public adjusting by any such person in the Commonwealth to determine whether the person is now or has been violating any of the provisions of this title. Any licensee under this article or any person purporting to be a licensee under this article or any person whose actions have led any person to believe that he is a licensee under this article who refuses to permit the Commission or any of its employees or agents, including employees of the Bureau of Insurance, to make an examination or who fails or refuses to comply with the provisions of this section, may, after notice and an opportunity to be heard, be subject to any of the penalties relating to licensees under this article, as provided in this title, including the *termination*, denial, suspension, or revocation of his license.

§ 38.2-1857.2. Applications for surplus lines broker license; fee required; fingerprinting.

A. Every original applicant for a surplus lines ~~broker's broker~~ license shall apply for such license in a form and manner prescribed by the Commission, and containing any information the Commission requires. *Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The prescribed application fee shall be collected by the Commission and paid directly into the state treasury and credited to the fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.*

B. *Each applicant for a surplus lines broker license shall, at the time of applying for a new license, be fingerprinted in a form and manner prescribed by the Commission to be forwarded along through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The results of the state and national records search shall be forwarded to the Commissioner or the Commissioner's designee, who shall be an employee of the Commission. The cost of fingerprinting and the criminal history record check shall be paid by the applicant. If an applicant's application for a license is denied, the Commission shall provide a copy of the information obtained from the Central Criminal Records Exchange to the applicant upon request. The information provided to the Commission shall not be disseminated except as provided in this subsection.*

C. Prior to issuance of a license, the applicant shall file with the Commission a certification or attestation that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$25,000 with corporate sureties licensed by the Commission. The bond shall be conditioned that the broker will conduct business under the license in accordance with the provisions of the surplus lines insurance law and that he will promptly remit the taxes provided by such law. The bond shall not be terminated unless at least 30 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed surplus lines broker fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the surplus lines broker license shall terminate and the licensee shall be required to apply for a new surplus lines broker license.

~~C.~~ D. Notwithstanding any other provisions of this title, a person licensed as a surplus lines broker in his home state, as defined in § 38.2-1800, shall receive a nonresident surplus lines broker license subject to meeting the requirements set forth in § 38.2-1857.9.

~~D.~~ E. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the

797 applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth.
798 Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§
799 38.2-800 et seq.).

800 ~~E.~~ F. A business entity acting as a surplus lines broker is required to obtain a surplus lines broker
801 license. In addition to the other requirements in this section, and before approving the application, the
802 Commission shall find that:

803 1. The business entity has paid the fee set forth in ~~§ 38.2-1857.3~~ subsection A; and

804 2. If:

805 a. A resident of the Commonwealth, the business entity has designated an employee, officer, director,
806 manager, member, or partner to serve as the licensed Virginia Property and Casualty insurance agent to
807 be responsible for the business entity's compliance with the insurance laws, rules and regulations of the
808 Commonwealth; or

809 b. Not a resident of the Commonwealth, the business entity has designated an employee, officer,
810 director, manager, member, or partner licensed in his home state to be responsible for the business
811 entity's compliance with the insurance laws, rules and regulations of the Commonwealth.

812 ~~F.~~ G. The Commission may require any documents reasonably necessary to verify the information
813 contained in an application.

814 **§ 38.2-1857.4:1. Renewal application and fee; reinstatement; waiver.**

815 A. *Beginning January 1, 2021, each individual surplus lines broker shall submit biennially to the*
816 *Commission a renewal application in a form and manner prescribed by the Commission, along with a*
817 *nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the*
818 *license. Licenses shall be renewed biennially based on the broker's month and year of birth. The license*
819 *for a surplus lines broker born in an even-numbered year shall expire at the end of the broker's birth*
820 *month in even-numbered years. The license for a surplus lines broker born in an odd-numbered year*
821 *shall expire at the end of the broker's birth month in odd-numbered years. Any surplus lines broker*
822 *license for which the renewal application and nonrefundable renewal application processing fee have*
823 *been received by the Commission and all other applicable licensing and renewal provisions in this*
824 *chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed*
825 *for a two-year period. Any surplus lines broker license for which the renewal application and*
826 *nonrefundable renewal application processing fee have not been received by the Commission shall*
827 *automatically be terminated.*

828 B. *On or before May 1, 2021, and biennially thereafter, each business entity licensed as a surplus*
829 *lines broker shall submit to the Commission a renewal application, along with a nonrefundable renewal*
830 *application processing fee prescribed by the Commission, for the renewal of the license. Any surplus*
831 *lines broker license for which the required renewal application and nonrefundable renewal application*
832 *processing fee have been received by the Commission and all other applicable licensing and renewal*
833 *provisions in this chapter have been met shall, unless the license has been terminated, suspended, or*
834 *revoked, be renewed for a two-year period. Any surplus lines broker license for which the required*
835 *renewal application and nonrefundable renewal application processing fee have not been received by*
836 *the Commission shall automatically be terminated.*

837 C. *The nonrefundable renewal application processing fee shall be paid in a manner and in an*
838 *amount prescribed by the Commission. The nonrefundable renewal processing fee shall be collected by*
839 *the Commission and paid directly into the state treasury and credited to the fund for the maintenance of*
840 *the Bureau of Insurance as provided in subsection B of § 38.2-400.*

841 D. *An individual surplus lines broker whose license terminates due to failure to renew may, within*
842 *12 months from the renewal date, reinstate the same license by submitting the renewal application and*
843 *a nonrefundable reinstatement processing fee equivalent to double the nonrefundable renewal*
844 *application processing fee and by complying with all other applicable licensing and renewal provisions*
845 *in this chapter.*

846 E. *A licensed surplus lines broker's failure to file the maintenance assessment report required by §*
847 *38.2-406 or pay the maintenance assessment and any related fines, penalties, and interest required by*
848 *§ 38.2-403 on or before the first day of March of each year shall result in the termination of the surplus*
849 *lines broker license.*

850 F. *An individual surplus lines broker who is unable to comply with the license renewal requirements*
851 *due to military service or another extenuating circumstance such as a long-term illness or incapacity*
852 *may request a waiver of those requirements. Requests for waivers of renewal requirements shall be*
853 *made in a form and manner prescribed by the Commission. Surplus lines brokers seeking a waiver of*
854 *renewal requirements shall submit all documentation specified by the Commission so as to be received*
855 *by the Commission no later than the last day of the renewal period. After the renewal period, surplus*
856 *lines brokers who have failed to complete the renewal waiver requirements may request a waiver from*
857 *the reinstatement requirements set forth in subsection D within the 12-month reinstatement period. The*
858 *Commission shall approve or disapprove the waiver request within 30 calendar days of receipt thereof,*

and shall provide written notice of its decision to the applicant for waiver within five calendar days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the renewal period or reinstatement period for which the waiver request was made.

§ 38.2-1857.5. Requirement to report to Commission.

A. Each licensed surplus lines broker shall report within ~~thirty~~ 30 calendar days to the Commission any change in his residence *address, email address*, or name.

B. In addition to the requirements of §§ 59.1-69 and 59.1-70, any individual or business entity licensed as a surplus lines broker in ~~this~~ the Commonwealth and operating under an assumed or fictitious name shall notify the Commission, at the earlier of the time the application for a surplus lines broker license is filed or within ~~thirty~~ 30 calendar days from the date the assumed or fictitious name is adopted, setting forth the name under which the surplus lines broker intends to operate in Virginia. The Commission shall also be notified within ~~thirty~~ 30 calendar days from the date of cessation of the use of such assumed or fictitious name.

C. Each licensed surplus lines broker convicted of a felony shall report within ~~thirty~~ 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

D. Each licensed surplus lines broker shall report to the Commission within ~~thirty~~ 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in ~~this~~ the Commonwealth. Such report shall include a copy of the order, consent to order or other relevant legal documents.

E. Any licensed resident surplus lines broker who has moved his residence from ~~this~~ the Commonwealth shall have all licenses immediately terminated by the Commission, whether or not the surplus lines broker has notified the Commission of such move. Nothing shall prohibit such surplus lines broker from applying for a license as a nonresident surplus lines broker.

F. The license authority of any business entity licensed as a surplus lines broker shall terminate immediately if the sole licensed responsible producer designated pursuant to subdivision ~~E~~ F 2 of § 38.2-1857.2 for the business entity's compliance with the insurance laws, rules and regulations of ~~this~~ the Commonwealth is removed for any reason, and a new responsible producer has not been designated and the Commission notified within 30 calendar days of such removal and of the newly designated responsible producer.

§ 38.2-1857.9. Licensing nonresidents; clerk of the Commission to be appointed agent for service of process; reciprocal agreements with other states and Canadian provinces.

A. An individual or business entity who is not a resident as defined in § 38.2-1800, but who is a resident of another state, territory, or province of Canada, shall receive a nonresident surplus lines broker license if:

1. The applicant presents proof in a form acceptable to the Commission that the applicant is currently licensed or otherwise authorized as a resident surplus lines broker and is in good standing in his home state;

2. The applicant has submitted the proper application for licensure, or in lieu thereof has submitted a copy of the application for a Surplus Lines Broker license submitted to the home state, and has paid the fees ~~required by § 38.2-1857.3 prescribed by the Commission~~; and

3. The applicant's home state issues nonresident surplus lines broker licenses to residents of ~~this~~ the Commonwealth on the same basis, or will permit a resident of ~~this~~ the Commonwealth to act as a surplus lines broker in such state without requiring a license.

B. For the purposes of this article, any individual whose place of residence and place of business are in a city or town located partly within ~~the~~ the Commonwealth and partly within another state may be considered as meeting the requirements as a resident of ~~this~~ the Commonwealth, provided the other state has established by law or regulation similar requirements as to residence of such individuals.

C. The Commission may enter into a reciprocal agreement with an appropriate official of any other state or province of Canada if such an agreement is required in order for a Virginia resident to be similarly licensed as a nonresident in that state or province.

D. The Commission may verify the surplus lines broker's licensing status through the Producer Database maintained by the NAIC, its affiliates or subsidiaries.

E. A nonresident surplus lines broker who moves from one state or province to another state or province shall file a change of address within 30 calendar days of the change of legal residence. No fee or license application is required.

F. Any licenses issued to nonresidents pursuant to this section shall be terminated at any time that the nonresident's equivalent authority in his home state is terminated, suspended, or revoked.

G. As used in this section, "home state" has the same meaning that is ascribed to the term in § 38.2-1800.

§ 38.2-1865.1. License required for viatical settlement brokers; Commission's authority; conditions; renewal application and fee; reinstatement; waiver; fingerprinting.

920 A. No person shall act as a viatical settlement broker, or solicit a viatical settlement contract while
921 acting as a viatical settlement broker, ~~on or after January 1, 1998,~~ without first obtaining a license from
922 the Commission.

923 B. A resident or nonresident life and annuities insurance agent shall not be prohibited from obtaining
924 a license, and subsequently acting as, a viatical settlement broker. Such licensed life and annuities agent
925 applying for a license as a viatical settlement broker shall comply with all provisions of this chapter.

926 C. Application for a viatical settlement ~~broker's broker~~ license shall be made to the Commission in
927 the manner, in the form, and accompanied by the nonrefundable license processing fee prescribed by the
928 Commission.

929 D. *Each individual applicant for a viatical settlement broker license shall, at the time of applying for
930 a new license, be fingerprinted in a form and manner prescribed by the Commission to be forwarded
931 along through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the
932 purpose of obtaining criminal history record information regarding such applicant. The results of the
933 state and national records search shall be forwarded to the Commissioner or the Commissioner's
934 designee, who shall be an employee of the Commission. The cost of fingerprinting and the criminal
935 history record check shall be paid by the applicant. If an applicant's application for a license is denied,
936 the Commission shall provide a copy of the information obtained from the Central Criminal Records
937 Exchange to the applicant upon request. The information provided to the Commission shall not be
938 disseminated except as provided in this subsection.*

939 E. A business entity acting as a viatical settlement broker is required to obtain a viatical settlement
940 broker license. In addition to the other requirements in this section, and before approving the
941 application, the Commission shall find that:

942 1. The business entity has paid the fee set forth in this section; and

943 2. The business entity has designated an employee, officer, director, manager, member, or partner
944 who is a licensed viatical settlement broker as the individual responsible for the business entity's
945 compliance with the insurance and other laws of this title, and related rules and regulations of the
946 Commonwealth.

947 ~~E.~~ F. The Commission may require any documents reasonably necessary to verify the information
948 contained in an application.

949 ~~F.~~ G. Except where prohibited by state or federal law, by submitting an application for license, the
950 applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of
951 process on the applicant in any action or proceeding arising in the Commonwealth out of or in
952 connection with the exercise of the license. Such appointment of the clerk of the Commission as agent
953 for service of process shall be irrevocable during the period within which a cause of action against the
954 applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth.
955 Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§
956 38.2-800 et seq.).

957 ~~G.~~ H. The license processing fee required by this section shall be collected by the Commission, paid
958 directly into the state treasury, and credited to the "Bureau of Insurance Special Fund — State
959 Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B
960 of § 38.2-400.

961 H. ~~Before June 1 of each year, each viatical settlement broker shall remit the nonrefundable renewal
962 fee and renewal application prescribed by the Commission for the renewal of the license effective July 1
963 of that year.~~

964 I. ~~Viatical~~ *Beginning January 1, 2021, each individual settlement broker's licenses may be renewed
965 for a one-year period ending on the following June 30 if the required renewal application and renewal
966 fee have been received by the Commission on or before June 1, and the license has not been terminated,
967 suspended or revoked on or before June 30 broker shall submit biennially to the Commission a renewal
968 application in a form and manner prescribed by the Commission, along with a nonrefundable renewal
969 application processing fee prescribed by the Commission, for the renewal of the license. Licenses shall
970 be renewed biennially based on the viatical settlement broker's month and year of birth. The license for
971 a viatical settlement broker born in an even-numbered year shall expire at the end of the broker's birth
972 month in even-numbered years. The license for a viatical settlement broker born in an odd-numbered
973 year shall expire at the end of the broker's birth month in odd-numbered years. Any viatical settlement
974 broker license for which the renewal application and nonrefundable renewal application processing fee
975 have been received by the Commission and all other applicable licensing and renewal provisions in this
976 chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed
977 for a two-year period. Any viatical settlement broker license for which the renewal application and
978 nonrefundable renewal application processing fee have not been received by the Commission shall
979 automatically be terminated.*

980 J. *On or before May 1, 2021, and biennially thereafter, each business entity licensed as a viatical
981 settlement broker shall submit to the Commission a renewal application, along with a nonrefundable*

renewal application processing fee prescribed by the Commission, for the renewal of the license. Any viatical settlement broker license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any viatical settlement broker license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.

K. The nonrefundable renewal application processing fee shall be paid in a manner and in an amount prescribed by the Commission. The nonrefundable renewal application processing fee required by this section shall be collected by the Commission, and paid directly into the state treasury, and credited to the "Bureau of Insurance Special Fund State Corporation Commission" fund for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

L. An individual viatical settlement broker whose license terminates due to failure to renew may, within 12 months from the renewal date, reinstate the same license by submitting the renewal application and a nonrefundable reinstatement processing fee equivalent to double the nonrefundable renewal application processing fee.

M. An individual viatical settlement broker who is unable to comply with the license renewal requirements due to military service or another extenuating circumstance such as a long-term illness or incapacity may request a waiver of those requirements. Requests for waivers of renewal requirements shall be made in a form and manner prescribed by the Commission. Viatical settlement brokers seeking a waiver of renewal requirements shall submit all documentation specified by the Commission so as to be received by the Commission no later than the last day of the renewal period. After the renewal period, viatical settlement brokers who have failed to complete the renewal waiver requirements may request a waiver from the reinstatement requirements set forth in subsection L within the 12-month reinstatement period. The Commission shall approve or disapprove the waiver request within 30 calendar days of receipt thereof, and shall provide written notice of its decision to the applicant for waiver within five calendar days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the renewal period or reinstatement period for which the waiver request was made.

~~K.~~ N. Each applicant for a viatical settlement broker's broker license shall provide satisfactory evidence that no disciplinary action has resulted in the suspension or revocation of any federal or state license pertaining to the business of viatical settlements or to the insurance or other financial services business.

~~L.~~ O. In the absence of a written agreement making the broker the viator's agent, viatical settlement brokers are presumed to be agents of viatical settlement providers.

~~M.~~ P. A viatical settlement broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

§ 38.2-1865.5. Requirement to report to Commission.

A. Each licensed viatical settlement broker shall report, in writing, any change in business or residence address, email address, or name within ~~thirty~~ 30 calendar days to the Commission.

B. In addition to the requirements of §§ 59.1-69 and 59.1-70, any individual or business entity licensed as a viatical settlement broker in ~~this~~ the Commonwealth and operating under an assumed or fictitious name shall notify the Commission, at the earlier of the time the application for a viatical settlement broker license is filed or within 30 calendar days from the date the assumed or fictitious name is adopted, setting forth the name under which the viatical settlement broker intends to operate in Virginia. The Commission shall also be notified within 30 calendar days from the date of cessation of the use of such assumed or fictitious name.

C. Each licensed viatical settlement broker convicted of a felony shall report within 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

D. Each licensed viatical settlement broker shall report to the Commission within 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in the Commonwealth. Such report shall include a copy of the order, consent to order, or other relevant legal documents.

E. The license authority of any licensed resident viatical settlement broker shall terminate immediately when such viatical settlement broker has moved his residence from the Commonwealth, whether or not the Commission has been notified of such move.

F. The license authority of any business entity licensed as a viatical settlement broker shall terminate immediately if the designated licensed viatical settlement broker responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision ~~D~~ E 2 of § 38.2-1865.1 is removed for any reason and a new responsible viatical settlement broker has

not been designated and the Commission notified within 30 calendar days of such removal and of the new designated responsible viatical settlement broker.

§ 38.2-1876. Licensure of vendors.

A. A vendor is required to hold a limited lines property and casualty insurance agent license to sell or offer coverage under a policy of portable electronics insurance.

B. *On or before May 1, 2021, and biennially thereafter, each vendor licensed as a limited lines property and casualty insurance agent shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any limited lines property and casualty insurance agent license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any limited lines property and casualty insurance agent license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.*

C. A license issued under this article shall authorize any employee or authorized representative of a licensed vendor to sell or offer portable electronics insurance coverage under a policy of portable electronics insurance to a customer at each location at which the vendor engages in portable electronics transactions.

~~C. D.~~ The acts of a licensed vendor's employee or authorized representative offering to sell coverage under a policy of portable electronics insurance shall be deemed to be the acts of the vendor for purposes of this article.

~~D. E.~~ Every licensed vendor shall maintain a list of all locations in the Commonwealth where the vendor offers coverage under a policy of portable electronics insurance and shall make the list available to the Commissioner for inspection upon request.

~~E. F.~~ Notwithstanding any other provision of law, a license issued pursuant to this article shall authorize the licensed vendor's employees and authorized representatives to engage only in those activities that are expressly permitted in this article.

§ 38.2-1882. Licensure of lessors.

A. A lessor is required to hold a limited lines property and casualty insurance agent license to sell or offer coverage under a policy of self storage insurance.

B. *On or before May 1, 2021, and biennially thereafter, each lessor licensed as a limited lines property and casualty insurance agent shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any limited lines property and casualty insurance agent license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any limited lines property and casualty insurance agent license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.*

C. A license issued under this article shall authorize any employee or authorized representative of a licensed lessor to sell or offer self storage insurance coverage under a policy of self storage insurance to a customer at each location at which the lessor engages in self storage unit transactions.

~~C. D.~~ The acts of a licensed lessor's employee or authorized representative offering to sell coverage under a policy of self storage insurance shall be deemed to be the acts of the lessor and the insurer for purposes of this article.

~~D. E.~~ Every licensed lessor shall maintain a list of all locations in the Commonwealth where the lessor offers coverage under a policy of self storage insurance and shall make the list available to the Commissioner for inspection upon request.

~~E. F.~~ Notwithstanding any other provision of law, a license issued pursuant to this article shall authorize the licensed lessor's employees and authorized representatives to engage only in those activities that are expressly permitted in this article.

§ 38.2-1888. Requirements for sale of travel insurance.

A. A travel retailer may offer and disseminate travel insurance under its own or another's limited lines travel insurance agent license only if the following conditions are met:

1. Any travel retailer offering or disseminating travel insurance shall make available to prospective purchasers brochures or other written materials that:

a. Provide the identity and contact information of the insurer and the limited lines travel insurance agent;

b. Explain that the purchase of travel insurance is not required in order to purchase any other product or service from the travel retailer; and

c. Explain that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage;

2. The limited lines travel insurance agent or travel retailer provides to purchasers of travel insurance:

a. A description of the material terms or the actual material terms of the insurance coverage;

b. A description of the process for filing a claim;

c. A description of the review or cancellation process for the travel insurance policy; and

d. The identity and contact information of the insurer and limited lines travel insurance agent;

3. At the time of licensure, the limited lines travel insurance agent shall establish and maintain a register on a form prescribed by the Commission of each travel retailer that offers travel insurance on the limited lines travel insurance agent's behalf. The register shall be maintained and updated by the limited lines travel insurance agent and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's Federal Tax Identification Number. The limited lines travel insurance agent shall submit such register to the Commission upon reasonable request. The limited lines travel insurance agent shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033;

4. The limited lines travel insurance agent has designated a DRLP;

5. The DRLP, president, secretary, treasurer, and any other officer or person who directs or controls the limited lines travel insurance agent's insurance operations complies with a background check or fingerprinting requirements applicable to insurance agents;

6. The limited lines travel insurance agent has paid all applicable insurance agent licensing fees as set forth in this title; and

7. The limited lines travel insurance agent requires each employee or authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training, which may be subject to review by the Commission. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers; and

8. *On or before May 1, 2021, and biennially thereafter, each travel retailer licensed as a limited lines travel insurance agent shall submit to the Commission a renewal application, along with a nonrefundable renewal application processing fee prescribed by the Commission, for the renewal of the license. Any limited lines travel insurance agent license for which the renewal application and nonrefundable renewal application processing fee have been received by the Commission and all other applicable licensing and renewal provisions in this chapter have been met shall, unless the license has been terminated, suspended, or revoked, be renewed for a two-year period. Any limited lines travel insurance agent license for which the renewal application and nonrefundable renewal application processing fee have not been received by the Commission shall automatically be terminated.*

B. A travel retailer's employee or authorized representative who is not licensed as an insurance agent may not:

1. Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;

2. Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

3. Hold himself or itself out as a licensed insurer, licensed agent, or insurance expert.

C. A travel retailer whose insurance-related activities, and those of its employees or authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction and license of a limited lines travel insurance agent meeting the conditions stated in this article is authorized to conduct such activities and receive related compensation, upon registration by the limited lines travel insurance agent as described in subdivision A 3. No travel retailer employee or authorized representative may be compensated based primarily on the number of customers who purchase travel insurance coverage; however, nothing in this article shall prohibit payment of compensation to a travel retailer or its employees or authorized representatives for activities under the limited lines travel insurance agent's license that are incidental to the travel retailer's or its employee's or authorized representative's overall compensation.

D. Travel insurance may be provided under an individual policy or under a group or master policy.

E. As the insurer designee, the limited lines travel insurance agent and the insurer (i) are responsible for the acts of a travel retailer who is not a limited lines travel insurance agent and (ii) shall use reasonable means to ensure compliance by the travel retailer with this article.

§ 55-525.30. Settlement agent registration requirements and compliance with unauthorized practice of law guidelines.

A. Every settlement agent subject to the provisions of this chapter shall be registered as such with

1166 the appropriate licensing authority. In conjunction therewith, settlement agents shall furnish (i) their
1167 names, business addresses, and telephone numbers and (ii) such other information as may be required.
1168 Each such registration (a) shall be accompanied by a nonrefundable fee ~~not to exceed \$100, prescribed~~
1169 *by the appropriate licensing authority* and (b) shall be renewed at least biennially thereafter. When the
1170 registration of a settlement agent is renewed, the appropriate authority shall notify the registrant of the
1171 provisions of § 17.1-223.

1172 *B. The Commission shall retain the authority to enforce the provisions of and impose any penalty or*
1173 *remedy authorized by this title and Title 38.2 against any person who is under investigation by the*
1174 *Commission for or charged with a violation of this title, even if the person's license or registration has*
1175 *been surrendered, terminated, suspended, or revoked or has lapsed by operation of law.*

1176 *C. The Virginia State Bar, in consultation with the Commission and the Virginia Real Estate Board,*
1177 *shall adopt regulations establishing guidelines for settlement agents designed to assist them in avoiding*
1178 *and preventing the unauthorized practice of law in conjunction with providing escrow, closing, and*
1179 *settlement services. Such guidelines shall be furnished by the appropriate licensing authority to (i) each*
1180 *settlement agent at the time of registration and any renewal thereof, (ii) state and federal agencies that*
1181 *regulate financial institutions, and (iii) members of the general public upon request. Such guidelines*
1182 *shall also be furnished by settlement agents to any party to a real estate transaction in which such agents*
1183 *are providing escrow, closing, or settlement services, upon request.*

1184 *C. D. The Virginia State Bar shall receive complaints concerning settlement agent or financial*
1185 *institution noncompliance with the guidelines established pursuant to subsection B C and shall (i)*
1186 *investigate the same to the extent they concern the unauthorized practice of law or any other matter*
1187 *within its jurisdiction, and (ii) refer all other matters or allegations to the appropriate licensing authority.*
1188 *The willful failure of any settlement agent to comply with the guidelines shall be considered a violation*
1189 *of this chapter, and such agent shall be subject to a penalty of up to \$5,000 for each such failure as the*
1190 *Virginia State Bar may determine.*

1191 **2. That §§ 38.2-1857.3 and 38.2-1857.4 of the Code of Virginia are repealed.**