

## VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact §§ 38.2-514.2 and 38.2-1800 of the Code of Virginia, relating to insurance; motor vehicle rental contract enrollers.*

[S 1102]

Approved

**Be it enacted by the General Assembly of Virginia:****1. That §§ 38.2-514.2 and 38.2-1800 of the Code of Virginia are amended and reenacted as follows:**

§ 38.2-514.2. Disclosures required of motor vehicle rental contract insurance agents and enrollers.

No insurance may be solicited, negotiated, procured, or effected by a motor vehicle rental contract insurance agent *or enroller* unless a conspicuous written disclosure is provided to the prospective renter that (i) summarizes clearly and correctly the material terms of coverage offered, including the identity of the insurer or insurers, (ii) advises that the coverage offered may duplicate coverage already provided by the renter's personal motor vehicle insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage, and (iii) states that the purchase of the coverages offered is not required in order to rent a motor vehicle.

§ 38.2-1800. Definitions.

As used in this chapter:

"Agent" or "insurance agent," when used without qualification, means an individual, partnership, limited liability company, or corporation that solicits, negotiates, procures or effects contracts of insurance or annuity in this Commonwealth.

"Appointed agent" or "appointed insurance agent," when used without qualification, means an individual, partnership, limited liability company, or corporation licensed in this Commonwealth to solicit, negotiate, procure, or effect contracts of insurance or annuity of the classes authorized within the scope of such license and who is appointed by a company licensed in this Commonwealth to solicit, negotiate, procure, or effect in its behalf contracts of insurance of the classes authorized within the scope of such license and, if authorized by the company, may collect premiums on those contracts.

"Automobile club agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect automobile club contracts on behalf of automobile clubs licensed under Chapter 3.1 (§ 13.1-400.1 et seq.) of Title 13.1.

"Bail bond agent" means an agent licensed in this Commonwealth for the sole purpose of writing appearance bonds as surety, as defined in subdivision 3 of § 38.2-121.

"Burial insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect burial insurance on behalf of insurers licensed under Chapter 40 (§ 38.2-4000 et seq.) of this title.

"Cooperative nonprofit life benefit insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect life insurance, accident and sickness insurance or annuities on behalf of insurers licensed under Chapter 38 (§ 38.2-3800 et seq.) of this title.

"Credit life and health insurance agent" means an agent licensed in this Commonwealth exclusively to solicit, negotiate, procure, or effect credit life insurance and credit accident and sickness insurance on behalf of insurers licensed in this Commonwealth, but only to the extent authorized in Chapter 37.1 (§ 38.2-3717 et seq.) of this title.

"Credit property insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect insurance against direct physical damage to personal household property used as security for a loan or other credit transaction. Such insurance may insure the creditor as sole beneficiary or may insure both the creditor and the debtor with the creditor as primary beneficiary and the debtor as beneficiary of proceeds not paid to the creditor. As used in this definition, "household personal property" does not include motor vehicles, mobile homes, or watercraft.

"Dental services agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect dental services plan contracts on behalf of dental services plans licensed under Chapter 45 (§ 38.2-4500 et seq.) of this title.

"Filed" means received by the Commission.

"Health agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect applications and coverage on behalf of corporations licensed in this Commonwealth under Chapter 42 (§ 38.2-4200 et seq.) of this title or for health maintenance organizations licensed in this Commonwealth under Chapter 43 (§ 38.2-4300 et seq.) of this title. Nothing in this chapter prohibits any person licensed in this Commonwealth as a life and health agent from also acting as a health agent.

57 "Legal services agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure,  
 58 or effect legal services plan contracts on behalf of legal services plans licensed under Chapter 44  
 59 (§ 38.2-4400 et seq.) of this title.

60 "Licensed agent" or "licensed insurance agent," when used without qualification, means an individual,  
 61 partnership, limited liability company, or corporation licensed in this Commonwealth to solicit, negotiate,  
 62 procure or effect contracts of insurance or annuity of the classes authorized within the scope of such  
 63 license.

64 "Life and health insurance agent" means an agent licensed in this Commonwealth to solicit,  
 65 negotiate, procure, or effect life insurance, annuity contracts, and accident and sickness insurance as  
 66 defined in §§ 38.2-102, 38.2-103, 38.2-104, 38.2-106, 38.2-108 and 38.2-109, respectively, and variable  
 67 contracts as defined in §§ 38.2-105 and 38.2-107, if so qualified, on behalf of insurers licensed in this  
 68 Commonwealth. Except as otherwise provided, limitations or restrictions as to methods of compensation  
 69 imposed by this title on agents shall not apply to life and health insurance agents.

70 "Mortgage accident and sickness insurance agent" means an agent licensed in this Commonwealth to  
 71 solicit, negotiate, procure, or effect mortgage accident and sickness insurance on behalf of insurers  
 72 licensed in this Commonwealth.

73 "Mortgage guaranty insurance agent" means an agent licensed in this Commonwealth to solicit,  
 74 negotiate, procure, or effect mortgage guaranty insurance on behalf of insurers licensed in this  
 75 Commonwealth.

76 "Mortgage redemption insurance agent" means an employee of a lending institution, whether or not  
 77 the institution accepts deposits from the public, licensed in this Commonwealth to solicit, negotiate,  
 78 procure, or effect mortgage redemption insurance and mortgage accident and sickness insurance.  
 79 "Mortgage redemption insurance" means a nonrenewable, nonconvertible, decreasing term life insurance  
 80 policy written in connection with a mortgage transaction for a period of time coinciding with the term  
 81 of the mortgage. The initial sum shall not exceed the amount of the indebtedness outstanding at the time  
 82 the insurance becomes effective, rounded up to the next \$1,000.

83 "*Motor vehicle rental contract enroller*" means an unlicensed hourly or salaried employee of a motor  
 84 vehicle rental company that is in the business of providing primarily private motor vehicles to the public  
 85 under a rental agreement for a period of less than six months, and receives no direct or indirect  
 86 commission from the insurer, the renter or the vehicle rental company.

87 "Motor vehicle rental contract insurance agent" means a person who (i) is a selling agent of a motor  
 88 vehicle rental company that is in the business of providing primarily private passenger motor vehicles to  
 89 the public under a rental agreement for a period of less than six months and (ii) is licensed in the  
 90 Commonwealth as an agent to solicit, negotiate, procure, or effect the following insurance coverages  
 91 solely in connection with and incidental to the rental contract:

92 1. Personal accident insurance which provides benefits in the event of accidental death or injury  
 93 occurring during the rental period;

94 2. Liability coverage sold to the renter in excess of the rental company's obligations under  
 95 §§ 38.2-2204, 38.2-2205, or Title 46.2, as applicable;

96 3. Personal effects insurance which provides coverages for the loss of or damage to the personal  
 97 effects of the renter and other vehicle occupants while such personal effects are in or upon the rental  
 98 vehicle during the rental period;

99 4. Roadside assistance and emergency sickness protection programs; and

100 5. Other travel-related or vehicle-related insurance coverage that a motor vehicle rental company  
 101 offers in connection with and incidental to the rental of vehicles.

102 *The term "motor vehicle rental contract insurance agent" does not include motor vehicle rental*  
 103 *contract enrollers.*

104 "Mutual assessment life and health insurance agent" means an agent licensed in this Commonwealth  
 105 to solicit, negotiate, procure, or effect mutual assessment life and accident and sickness insurance on  
 106 behalf of insurers licensed under Chapter 39 (§ 38.2-3900 et seq.) of this title.

107 "Mutual assessment property and casualty insurance agent" means an agent licensed in this  
 108 Commonwealth to solicit, negotiate, procure, or effect mutual assessment property and casualty insurance  
 109 on behalf of insurers licensed under Chapter 25 (§ 38.2-2500 et seq.) of this title.

110 "Ocean marine insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate,  
 111 procure, or effect those classes of insurance classified in § 38.2-126, except those kinds specifically  
 112 classified as inland marine insurance, on behalf of insurers licensed in this Commonwealth.

113 "Optometric services agent" means an agent licensed in this Commonwealth to solicit, negotiate,  
 114 procure, or effect optometric services plan contracts on behalf of optometric services plans licensed  
 115 under Chapter 45 (§ 38.2-4500 et seq.) of this title.

116 "Pet accident, sickness and hospitalization insurance agent" means an agent licensed in this  
 117 Commonwealth to solicit, negotiate, procure or effect pet accident, sickness and hospitalization insurance

on behalf of insurers licensed in this Commonwealth.

"Property and casualty insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect insurance as defined in §§ 38.2-110 through 38.2-122.1, and §§ 38.2-124 through 38.2-134 on behalf of insurers licensed in this Commonwealth.

"Resident" means (i) an individual domiciled and residing in Virginia; (ii) a partnership duly formed and recorded in Virginia; (iii) a corporation incorporated and existing under the laws of Virginia; or (iv) a limited liability company organized and existing under the laws of Virginia.

"Single interest insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect single interest insurance on behalf of insurers licensed in this Commonwealth.

"Solicit, negotiate, procure, or effect" means and includes the selling or attempted selling, placing or attempted placing of insurance or coverage, whether directly or indirectly, in this Commonwealth, and for which action the agent receives, or would receive, direct or indirect compensation in the form of commissions, fees, or other inducements or benefits.

"Title insurance agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect title insurance on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.) of this title.

"Travel accident insurance agent" means an individual at transportation terminal buildings, or a ticket-selling agent of a railroad, steamship company, air carrier, or public bus carrier, who is licensed in this Commonwealth solely to act as an agent in the sale of travel accident insurance to individuals.

"Travel baggage insurance agent" means the ticket-selling agent of a railroad or steamship company, air carrier, or public bus carrier who is licensed in this Commonwealth solely to act as an agent in the sale of travel baggage insurance to individuals.

"Variable contract agent" means an agent licensed in this Commonwealth to solicit, negotiate, procure, or effect variable contracts on behalf of insurers licensed in this Commonwealth.