

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 953 Session of
1999

INTRODUCED BY MICOZZIE, L. I. COHEN, GANNON, CIVERA, ADOLPH,
BELARDI, DeLUCA, GEIST, KENNEY, McCALL, STERN, HARHAI, DALEY,
CALTAGIRONE AND PIPPY, MARCH 22, 1999

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 12, 2000

AN ACT

1 Amending the act of December 14, 1992 (P.L.835, No.134),
2 entitled "An act providing for the establishment,
3 organization, operation and termination of fraternal benefit
4 societies; imposing additional powers and duties on the
5 Insurance Department and on the Insurance Commissioner;
6 providing penalties; and making repeals," further providing
7 for licensing of agents.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. ~~Section 609~~ SECTIONS 609 AND 614(D) of the act of <—
11 December 14, 1992 (P.L.835, No.134), known as the Fraternal
12 Benefit Societies Code, ~~is~~ ARE amended to read: <—

13 Section 609. Licensing of agents.

14 (a) General rule.--Agents of societies shall be licensed in
15 accordance with the insurance laws regulating the licensing,
16 revocation, suspension or termination of license of resident and
17 nonresident agents.

18 (b) Exemptions from licensure.--No examination or license
19 shall be required of any regular salaried officer, employee or

1 member of a licensed society who devotes substantially all of
2 his services to activities other than the solicitation of
3 fraternal insurance contracts from the public and who receives
4 for the solicitation of such contracts no commission or other
5 compensation directly dependent upon the amount of business
6 obtained.

7 (c) Examination.--

8 (1) Any person who in the preceding calendar year has
9 solicited and procured life insurance contracts on behalf of
10 any society in an amount of insurance in excess of [\$100,000]
11 \$200,000 or, in the case of any other kind or kinds of
12 insurance which the society might write, on the persons of
13 more than 25 individuals and who has received or will receive
14 a commission or other compensation therefor shall be required
15 to take an examination. No examination shall be required of
16 any agent who was in the service of a society on January 28,
17 1978.

18 (2) At least once every five years the commissioner
19 shall review the monetary limit contained in this subsection
20 and may, in the commissioner's discretion, adjust the amount.
21 Any adjustment to the amount shall be published as a notice
22 in the Pennsylvania Bulletin.

23 (d) Limitation.--No society doing business in this
24 Commonwealth shall pay any commission or other compensation to
25 any person for any services in obtaining in this Commonwealth
26 any new contract of life, accident or health insurance, or any
27 new annuity contract, except to a licensed fraternal insurance
28 agent of that society.

29 SECTION 614. PENALTIES.

30 * * *

1 (D) PENALTY FOR OTHER VIOLATION.--A PERSON WHO WILLFULLY
2 VIOLATES, NEGLECTS OR REFUSES TO COMPLY WITH THE PROVISIONS OF
3 THIS ACT FOR WHICH A PENALTY IS NOT OTHERWISE PRESCRIBED,
4 COMMITS A SUMMARY OFFENSE AND SHALL, UPON CONVICTION, BE
5 SENTENCED TO PAY A FINE OF NOT MORE THAN \$500. UPON SATISFACTORY
6 EVIDENCE OF A VIOLATION OF ANY PROVISION OF THIS ACT, THE
7 COMMISSIONER MAY IN [HIS] THE COMMISSIONER'S DISCRETION, IN LIEU
8 OF SEEKING CRIMINAL PROSECUTION, PURSUE ANY ONE OR MORE OF THE
9 FOLLOWING COURSES OF ACTION:

10 (1) SUSPEND OR REVOKE OR REFUSE TO RENEW THE LICENSE OF
11 THE OFFENDING PARTY OR PARTIES.

12 (2) IMPOSE A CIVIL PENALTY OF NOT MORE THAN [\$1,000]
13 \$5,000 FOR EACH [AND EVERY] ACT IN VIOLATION OF THE
14 PROVISIONS OF THIS ACT [BY THE PARTY OR PARTIES].

15 Section 2. This act shall take effect in 60 days.