

**304.9-105 General qualifications for agent license.**

- (1) An individual applying for an agent license shall make application to the commissioner on the uniform individual application or other application prescribed by the commissioner. Before approving the application, the commissioner shall find that the applicant:
  - (a) Is at least eighteen (18) years of age;
  - (b) Has fulfilled the residence requirements as set forth in KRS 304.9-120 or is a nonresident who is not eligible to be issued a license in accordance with KRS 304.9-140;
  - (c) Has not committed any act that is a ground for denial, suspension, or revocation set forth in KRS 304.9-440;
  - (d) Is trustworthy, reliable, and of good reputation, evidence of which shall be determined through an investigation by the commissioner;
  - (e) Is competent to exercise the license and has:
    1. Except for variable life and variable annuities line of authority and limited lines of authority identified in KRS 304.9-230, completed a prelicensing course of study consisting of forty (40) hours for life and health, forty (40) hours for property and casualty, or twenty (20) hours for each line of authority, as applicable, for which the individual has applied. The commissioner shall promulgate administrative regulations to carry out the purpose of this section;
    2. Except for variable life and variable annuities line of authority and limited lines of authority identified in accordance with KRS 304.9-230, successfully passed the examinations required by the commissioner for the lines of authority for which the individual has applied; and
    3. Paid the fees set forth in KRS 304.4-010; and
  - (f) Is financially responsible to exercise the license and has:
    1. a. Filed with the commissioner the certificate of an insurer authorized to write legal liability insurance in this state, that the insurer has and will keep in effect on behalf of the person a policy of insurance covering the legal liability of the licensed person as the result of erroneous acts or failure to act in his or her capacity as an insurance agent, and enuring to the benefit of any aggrieved party as the result of any single occurrence in the sum of not less than twenty thousand dollars (\$20,000) and one hundred thousand dollars (\$100,000) in the aggregate for all occurrences within one (1) year, and that the policy shall not be terminated unless at least thirty (30) days' prior written notice will have been given to the commissioner; or
    - b. Deposited with the commissioner cash, or a cash surety bond executed by an insurer authorized to write business in this Commonwealth, in the sum of twenty thousand dollars (\$20,000), which shall be subject to lawful levy of execution by any party to

whom the licensee has been found to be legally liable as the result of erroneous acts or failure to act in his or her capacity as an agent; or

- c. Filed with the commissioner on his or her behalf, by an authorized insurer or group of affiliated insurers for which he or she is or is to become an exclusive agent, an agreement whereby the insurer or group of affiliated insurers agrees to assume responsibility, to the benefit of any aggrieved party, for legal liability of the licensed person as the result of erroneous acts or failure to act in his or her capacity as an insurance agent on behalf of the insurer or group of affiliated insurers in the sum of twenty thousand dollars (\$20,000) for any single occurrence and that the agreement shall not be terminated until the license is surrendered to the commissioner or at least thirty (30) days' prior written notice will have been given to the commissioner, whichever shall first occur; and
  2. Agreed with the commissioner that if at any time notice is given to the commissioner that any policy filed in accordance with subparagraph 1.a. of this paragraph, or agreement filed in accordance with subparagraph 1.c. of this paragraph, is to be terminated and has not been replaced by another policy or agreement within the time established by regulations of the commissioner, or if any deposit in accordance with subparagraph 1.b. of this paragraph be reduced through levy of execution and not replaced by any necessary additional deposit within the time established by administrative regulations of the commissioner, any and all licenses held by the licensee are terminated and shall be promptly surrendered to the commissioner without demand.
- (2) The commissioner may require additional information or submissions from applicants and may obtain any documents or information reasonably necessary to verify the information contained in an application.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1047, effective July 15, 2010; and ch. 83, sec. 2, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 143, sec. 6, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 273, sec. 15, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 393, sec. 7, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 483, sec. 9, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 437, sec. 12, effective July 15, 1986. -- Created 1978 Ky. Acts ch. 161, sec. 1, effective June 17, 1978.

**Legislative Research Commission Note (7/15/2010).** This section was amended by 2010 Ky. Acts chs. 24 and 83, which do not appear to be in conflict and have been codified together.