

304.9-295 Biennial continuing education requirements for licensed agents and independent and public adjusters -- Exceptions -- Courses -- Number of hours -- Failure to complete -- Penalty.

- (1) This section shall apply to individuals who hold licenses or lines of authority requiring continuing education each biennium.
- (2) The continuing education biennial compliance date for an individual resident licensee shall be as follows:
 - (a) A licensee whose birth date is in an even-numbered year shall satisfy continuing education requirements on or before the last day of the licensee's birth month in the even-numbered year. A licensee shall show proof of compliance to the commissioner within sixty (60) days after the continuing education biennial compliance date. If the licensee has not held the license for one (1) year, the compliance date is adjusted to the next even-numbered year and each subsequent even-numbered year thereafter. If the license becomes inactive and reissued within a twelve (12) month period, the compliance date shall remain the same;
 - (b) A licensee whose birth date is in an odd-numbered year shall satisfy continuing education requirements and show proof of compliance to the commissioner on or before the last day of the licensee's birth month in the odd-numbered year. A licensee shall show proof of compliance to the commissioner within sixty (60) days after the continuing education biennial compliance date. If the licensee has not held the license for one (1) year, the compliance date is adjusted to the next odd-numbered year and each subsequent odd-numbered year thereafter. If the license becomes inactive and reissued within a twelve (12) month period, the compliance date shall remain the same.
- (3) This section shall not apply to:
 - (a) Limited lines of authority under agent licenses, as exempted by the commissioner in accordance with KRS 304.9-230;
 - (b) Licensees not licensed for one (1) full year prior to the end of the applicable continuing education biennium;
 - (c) Licensees holding nonresident licenses who have met the continuing education requirements of their home state and whose home state gives credit to Kentucky resident licensees on the same basis; or
 - (d) Licensees maintaining their licenses for the sole purpose of receiving renewals or deferred commissions and providing the department with a supporting affidavit.
- (4) A licensee, who holds an agent license and who is not exempt under subsection (3) of this section, shall satisfactorily complete a minimum of twenty-four (24) hours of continuing education courses, of which three (3) hours shall have a course concentration in ethics, during each continuing education biennium.
- (5) Beginning July 31, 2012, an individual who holds an independent or public adjuster license and who is not exempt under KRS 304.9-430 (9) or (10), shall satisfactorily

complete a minimum of twenty-four (24) hours of continuing education courses, of which three (3) hours shall have a course concentration in ethics in accordance with subsection (4) of this section. Continuing education hours shall be reported to the commissioner on a biennial basis in conjunction with the licensee's renewal in accordance with subsection (10) of this section.

- (6) Only continuing education courses approved by the commissioner shall be used to satisfy the continuing education requirement of subsection (4) of this section and any other continuing education requirement of this chapter.
 - (a) The continuing education courses which meet the commissioner's standards for continuing education requirements are:
 1. Any part of the Life Underwriter Training Council life course curriculum;
 2. Any part of the Health Underwriter Training Council health course curriculum;
 3. Any part of the American College Chartered Life Underwriter diploma curriculum;
 4. Any part of the American Institute for Property and Liability Underwriters' chartered property and casualty underwriter profession designation program;
 5. Any part of the Insurance Institute of America's programs;
 6. Any part of the certified insurance counselor program;
 7. Any insurance related course taught at an accredited college or university, if the course is approved by the commissioner;
 8. Any course of instruction or seminar developed or sponsored by any authorized insurer, recognized agent association, recognized insurance trade association, or any independent program of instruction, if approved by the commissioner;
 9. Any correspondence course approved by the commissioner; and
 10. Any course in accordance with provisions of reciprocal agreements the commissioner enters with other states.
 - (b) The commissioner shall prescribe the number of hours of continuing education credit for each continuing education course approved in accordance with this subsection. Continuing education courses submitted in accordance with a reciprocal agreement shall be approved according to the provisions of the reciprocal agreement.
 - (c) If a continuing education course requires successful completion of a written examination, no continuing education credit shall be given to licensees who do not successfully complete the written examination.
 - (d) The fee for filing continuing education courses for approval by the commissioner shall be as specified in Subtitle 4 of KRS Chapter 304.

- (e) For continuing education courses of reciprocal states, continuing education providers shall be approved in accordance with the provisions of the reciprocal agreements.
- (7) An individual teaching any approved continuing education course shall qualify for the same number of hours of continuing education credit as would be granted to a licensee taking and satisfactorily completing the course.
- (8) Excess credit hours accumulated during any continuing education biennium may be carried forward. The commissioner may, by regulation, limit the number of hours carried forward.
- (9) For good cause shown, the commissioner may grant an extension of time during which the continuing education requirement of subsection (2) of this section may be completed, but the extension of time shall not exceed two (2) years. What constitutes good cause for the extension of time rests within the discretion of the commissioner.
- (10) Every licensee subject to this section shall furnish to the commissioner written certification as to the continuing education courses satisfactorily completed by the licensee. The certification shall be signed by or on behalf of the provider sponsoring the continuing education course. The certification shall be on a form prescribed by the commissioner.
- (11) The provider shall furnish to the commissioner certification as to the continuing education courses satisfactorily completed by each licensee. The certification shall be signed or authenticated by or on behalf of the provider sponsoring the continuing education course. The certification shall be on a form or in a format prescribed by the commissioner.
- (12) The license or line of authority requiring continuing education shall expire if the individual holding the license or line of authority fails to comply with the continuing education requirement and has not been granted an extension of time to comply in accordance with subsection (9) of this section. If the license has expired, the license shall be promptly surrendered to the commissioner without demand. If the line of authority has terminated but another line of authority not requiring continuing education is still in effect, the license shall be promptly delivered to the commissioner for reissuance as to the line of authority still in effect.
- (13) The license of any individual subject to the continuing education requirement shall be suspended or revoked, a civil penalty imposed, or both, in accordance with KRS 304.9-440, if the individual submits to the commissioner a false or fraudulent certificate of compliance with the continuing education requirement.
- (14) (a) The commissioner may withdraw approval of a continuing education provider, course, or instructor for good and just cause.
(b) In addition to or in lieu of withdrawal of approval, the commissioner may impose a civil penalty of not more than one thousand dollars (\$1,000) per violation of this chapter by a provider or an instructor.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1065, effective July 15, 2010; and ch. 83, sec. 8, effective July 15, 2010. -- Amended 2005 Ky. Acts ch. 143, sec. 14, effective June 20, 2005. -- Amended 2002 Ky. Acts ch. 273, sec. 27, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 393, sec. 24, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 378, sec. 1, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 408, sec. 2, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 438, sec. 1, effective July 1, 1987.

Legislative Research Commission Note (7/15/2010). A reference to the "executive director" of insurance in subsection (5) of this section, as amended by 2010 Ky. Acts ch. 83, sec. 8, has been changed in codification to the "commissioner" of insurance to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. This change was made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.

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.