

SENATE BILL No. 398

By Committee on Financial Institutions and Insurance

1-25

1 AN ACT concerning insurance; relating to the powers, duties and
2 responsibilities of the commissioner of insurance; authorizing the
3 commissioner of insurance to set the amount of certain fees; requiring
4 the publication of such fees in the Kansas register; amending K.S.A.
5 40-205a, 40-218, 40-252, 40-2133, 40-504, 40-956, 40-22a04, 40-
6 2604, 40-2702, 40-3213, 40-3304, 40-3812, 40-3813, 40-4103, 40-
7 4116, 40-4323, 40-4334, 40-4503, 40-5003 and 40-5509 and K.S.A.
8 2023 Supp. 40-3823, 40-3824, 40-4209, 40-4302 and 40-4903 and
9 repealing the existing sections; also repealing K.S.A. 40-3217.
10

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 40-205a is hereby amended to read as follows: 40-
13 205a. (a) No person shall do any act toward selling the stock of any
14 insurance company or health maintenance organization unless such person
15 first obtains from the commissioner of insurance written authority to
16 engage in the business of selling the stock of such company. Such
17 applicant shall first be appointed in writing by the president or secretary of
18 the company for which such applicant intends to sell stock. The applicant
19 for such license shall file with the commissioner of insurance the
20 applicant's written application for a license authorizing the applicant to
21 engage in the business of selling such stock. The applicant shall make
22 sworn answers to such interrogatories as the commissioner of insurance
23 shall require. The fee charged for the issuance of such license shall be ~~not~~
24 exceed \$100 and shall be paid to the commissioner of insurance by the
25 company requesting such license.

26 (b) *Not later than December 1 of each year, the commissioner shall*
27 *set and publish in the Kansas register the application fees required*
28 *pursuant to subsection (a) for the next succeeding calendar year.*

29 Sec. 2. K.S.A. 40-218 is hereby amended to read as follows: 40-218.

30 (a) Every insurance company; or fraternal benefit society, on applying for
31 authority to transact business in this state, and as a condition precedent to
32 obtaining such authority, shall file in the insurance department its written
33 consent, irrevocable, that any action or garnishment proceeding may be
34 commenced against such company or fraternal benefit society in the
35 proper court of any county in this state in which the cause of action shall
36 arise or in which the plaintiff may reside by the service of process on the

1 Sec. 26. K.S.A. 40-5509 is hereby amended to read as follows: 40-
2 5509. (a) An individual who has met the requirements for licensure under
3 this act shall be issued a public adjuster license. A public adjuster license
4 shall remain in effect, unless revoked, terminated or suspended, as long as
5 the request for renewal is timely submitted and a license renewal fee ~~of~~
6 *not to exceed* \$100 is paid and any other requirements for license renewal
7 are met by the due date. The licensee shall inform the commissioner by
8 any means acceptable to the commissioner of a change of address, change
9 of legal name or change of information submitted on the application within
10 30 days of the change.

11 (b) A public adjuster shall be subject to the provisions ~~of subsection~~
12 ~~(9)~~ of K.S.A. 40-2404(9), and amendments thereto.

13 (c) A public adjuster who allows such person's license to lapse may,
14 within 12 months from the due date of the renewal, be issued a new public
15 adjuster license upon the commissioner's receipt of proof that the licensee
16 has satisfactorily completed the renewal process and the licensee's
17 payment of a reinstatement fee of \$100. The new public adjuster license
18 shall be effective the date the commissioner receives such proof and the
19 reinstatement fee.

20 (d) A licensed public adjuster that is unable to comply with license
21 renewal procedures due to military service, a long-term medical disability
22 or some other extenuating circumstance, may request an extension of time
23 to comply with those procedures.

24 (e) The public adjuster license shall contain the licensee's name, city
25 and state of business address, personal identification number, the date of
26 issuance, the expiration date and any other information the commissioner
27 deems necessary.

28 (f) In order to assist in the performance of the commissioner's duties,
29 the commissioner may contract with non-governmental entities, including
30 the NAIC, to perform any ministerial functions, including the collection of
31 fees and data related to licensing that the commissioner may deem
32 appropriate.

33 (g) *Not later than December 1 of each year, the commissioner shall*
34 *set and publish in the Kansas register the fee required by this section for*
35 *the next calendar year.*

36 Sec. 27. K.S.A. 40-205a, 40-218, 40-252, 40-2,133, 40-504, 40-956,
37 40-22a04, 40-2604, 40-2702, 40-3213, 40-3217, 40-3304, 40-3812, 40-
38 3813, 40-4103, 40-4116, 40-4323, 40-4334, 40-4503, 40-5003 and 40-
39 5509 and K.S.A. 2023 Supp. 40-3823, 40-3824, 40-4209, 40-4302 and 40-
40 4903 are hereby repealed.

41 Sec. 28. This act shall take effect and be in force from and after its
42 publication in the statute book.