Senate Bill No. 351–Senator Townsend

CHAPTER........

AN ACT relating to short-term lessors of passenger cars; authorizing the commissioner of insurance to issue a limited agent's license to a short-term lessor of passenger cars who conducts certain limited insurance activities; providing an exemption from examination for applicants for such limited licenses; authorizing employees of such a short-term lessor to conduct without a license certain limited insurance activities within the scope of the limited license held by the short-term lessor; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

If a short-term lessor of passenger vehicles licensed pursuant to NRS 482.363 holds a limited agent's license issued pursuant to NRS 683A.260, an employee of the short-term lessor may engage in the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158 without a license issued pursuant to this chapter, if the solicitation and sale of such insurance is done on behalf of, and under the supervision of, the short-term lessor.

Sec. 2. NRS 683A.100 is hereby amended to read as follows:

683A.100 In addition to persons excluded by the terms thereof, the definitions of an agent, broker, solicitor or managing general agent ~~[shall not be deemed to]~~ ***do not*** include any of the following:

1. Salaried employees rendering solely clerical and administrative services in the office of the employer.

2. Salaried administrative and clerical employees of agents and brokers performing any functions in the office and under the supervision of the employer and receiving no commissions.

3. Salaried employees of insurers, or of organizations employed by insurers, engaged in inspecting, rating or classifying risks, or in general supervision of agents, and not in the solicitation or writing of insurance.

4. Officers of insurers or of an association of insurers engaged in the performance of their usual and customary executive duties, exclusive of field solicitation of insurance other than rendering assistance to or on behalf of a licensed agent but receiving no commission or other compensation directly dependent upon the amount of business transacted.

5. Persons completing or delivering declarations or certificates of coverage under running inland marine insurance contracts evidencing coverage thereunder, if:

(a) Such persons receive no commissions directly or indirectly on such insurance; and

(b) Such persons or their employers have an insurable interest in the risk evidenced by the certificate or declaration.

6. Persons who secure and furnish information for the purposes of group life insurance, group or blanket health insurance or annuity coverages, or for enrolling individuals under such plans or issuing certificates thereunder or otherwise assisting in administering such plans where no commission is paid for such services.

7. Service representatives.

8. Employees of a short-term lessor of passenger vehicles who engage solely in the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158 in accordance with section 1 of this act.

Sec. 3. NRS 683A.180 is hereby amended to read as follows:

683A.180 Except as ***otherwise*** provided in subsection 3 of NRS 683A.270 **[**~~(continuation, expiration of license),~~**]** ***, the provisions of*** NRS 683A.170 **[**~~does~~**]** ***do*** not apply to and no such examination is required of:

1. Applicants with respect to life and health **[**~~or~~**]** ***insurance,*** life ***insurance*** or health insurance who hold the designation of chartered life underwriter (C.L.U.). Applicants must show such proof of holding the designation as may be required by the commissioner.

2. Applicants with respect to property, casualty and surety insurance ***,*** **[**~~(~~**]** or any combination thereof ***,*** **[**~~)~~**]** who hold the designation of chartered property and casualty underwriter (C.P.C.U.). Applicants must show such proof of holding the designation as may be required by the commissioner.

3. Any applicant for a license which would cover the same kind or kinds of insurance as those for which he was licensed under a similar license in this state, other than a temporary license, within 6 months next preceding the date of application, unless the previous license was revoked, suspended or continuation thereof refused by the commissioner.

4. Any applicant for an agent's license who **[**~~is~~**]** ***:***

(a) Is currently licensed as a resident broker or solicitor for the same kind or kinds of insurance, or has been so licensed within 6 months next preceding the date of the application unless the previous license was revoked, suspended or continuation thereof refused by the commissioner **[**~~, and if~~**]** ***; and***

(b) If the applicant is currently licensed as a solicitor, has had at least 1 year of experience under his solicitor's license satisfactory to the commissioner.

5. Any applicant for a broker's license who has been licensed as a resident agent or solicitor in this state for the same kinds of insurance within 1 year preceding the date of the application, unless the previous license was revoked, suspended or continuation thereof refused by the commissioner ***,*** **[**~~;~~**]** and if **[**~~an~~**]** ***the applicant has been licensed as:***

(a) A resident agent ***, the applicant*** has had at least 1 year **[**~~, and if a~~**]** ***of experience under his agent's license satisfactory to the commissioner; and***

(b) A solicitor ***, the applicant*** has had at least 2 years **[**~~,~~**]** of experience under his **[**~~agent's or~~**]** solicitor's license **[**~~, as the case may be,~~**]** satisfactory to the commissioner.

6. Any applicant for a solicitor's license who has been licensed as a resident agent, broker or solicitor in this state for the same kinds of insurance within 6 months next preceding the date of the application, unless the previous license was revoked, suspended or continuation thereof refused by the commissioner.

7. Applicants with respect to variable annuities who are, or within the next preceding 6 months have been, licensed or registered as securities broker-dealers under laws administered by the Securities and Exchange Commission or any successor agency of the Federal Government.

8. Persons representing public carriers under limited licenses issued under NRS 683A.260.

9. Title insurance agents.

10. An applicant who is a short-term lessor of passenger cars licensed pursuant to NRS 482.363 whose insurance activities are limited to the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158, where the insurance is offered within an agreement to lease a vehicle as optional insurance which is in effect only during the term of the lease of the vehicle.

Sec. 4. NRS 683A.260 is hereby amended to read as follows:

683A.260 1. The commissioner may issue a limited agent's license to an applicant qualified under this chapter:

(a) Who represents public carriers and in the course of his representation solicits or sells insurance incidentally to the transportation of persons or to the storage or transportation of property; ~~[or]~~

(b) Whose insurance activities are limited to the solicitation and sale of:

(1) Credit insurance, as defined in NRS 690A.015, and credit property and casualty insurance; or

(2) Fixed annuities ~~[.]~~ ***; or***

(c) Who is a short-term lessor of passenger cars licensed pursuant to NRS 482.363 whose insurance activities are limited to the solicitation and sale of insurance requested by a lessee pursuant to NRS 482.3158, where the insurance is offered within an agreement to lease a vehicle as optional insurance which is in effect only during the term of the lease of the vehicle.

2. ~~[The]~~ ***Except as otherwise provided in NRS 683A.180, the*** commissioner may adopt regulations which require the applicant to pass an appropriate examination before the issuance of a license pursuant to this section.

3. Except for a bank or a bank holding company, or a parent, subsidiary or affiliate of a bank that may be licensed to sell fixed and variable annuities, and credit insurance as defined in NRS 690A.015, a person to whom a license is issued pursuant to this section may not concurrently hold any other license authorized by this chapter.

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