

As Amended by House Committee

HOUSE BILL No. 2049

By Committee on Insurance

Requested by Eric Turek, Kansas Insurance Department

1-21

AN ACT concerning insurance; relating to licensing requirements for insurance agents and public adjusters; pertaining to suspension, revocation, denial of licensure and licensure renewal; amending K.S.A. 40-5510 and K.S.A. 2024 Supp. 40-4909 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 40-4909 is hereby amended to read as follows: 40-4909. (a) The commissioner may deny, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application.

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations promulgated thereunder;

(B) any subpoena or order of the commissioner;

(C) any insurance law or regulation of another state; or

(D) any subpoena or order issued by the regulatory official for insurance in another state.

(3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud.

(4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.

(5) Intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.

(6) Been convicted of a misdemeanor or felony.

(7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404, and amendments thereto.

(8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

(9) Had an insurance agent license, public adjuster license, securities

Proposed Amendment to HB 2049

For Senate Committee on Financial Institutions and Insurance

By Eileen Ma

Office of Revisor of Statutes

1 administrative hearing authorized under the provisions of this section  
2 shall be assessed against the person who is the subject of the hearing or  
3 any business entity represented by such person who is the party to the  
4 matters giving rise to the hearing. As used in this subsection, "costs"  
5 includes witness fees, mileage allowances, any costs associated with the  
6 reproduction of documents that become a part of the hearing record and  
7 the expense of making a record of the hearing.

8 (h) No person whose license as a public adjuster has been suspended  
9 or revoked shall be employed by any insurance company doing business in  
10 this state either directly, indirectly, as an independent contractor or  
11 otherwise to negotiate or effect contracts of insurance, suretyship or  
12 indemnity or perform any act toward the solicitation or transaction of any  
13 business of insurance during the period of such suspension or revocation.

14 ~~(e)(i)~~ The commissioner shall retain the authority to enforce the  
15 provisions of and impose any penalty or remedy authorized by this act  
16 against any individual who is under investigation for or charged with a  
17 violation of this act, even if the individual's license or registration has been  
18 surrendered or has lapsed by operation of law.

19 (i) (1) An applicant to whom a license has been denied after a  
20 hearing shall not apply again for a license until after the expiration of a  
21 period of one year from the date of the commissioner's order.

22 (2) A licensee whose license was revoked shall not apply again for a  
23 license until after the expiration of a period of two years from the date of  
24 the commissioner's order.

25 Sec. 3. K.S.A. 40-5510 and K.S.A. 2024 Supp. 40-4909 are hereby  
26 repealed.

27 Sec. 4. This act shall take effect and be in force from and after its  
28 publication in the ~~statute book~~.

Kansas register