

(4) The applicability of this subtitle as to surplus line transactions shall be as provided in subtitle 13.

166. Definitions.

As used in this subtitle:

(a) An "agent" is an individual appointed by an insurer (1) to solicit applications for insurance or annuities or to negotiate insurance on its behalf; and (2) if authorized to do so by the insurer, to effectuate and countersign insurance contracts. The term "agent" shall not include:

(1) Individuals employed and used by agents or insurers for the performance of clerical, stenographic and similar office duties; ~~incidental taking of an application for insurance from time to time in the office of the employing agent or insurer shall not constitute such an employee an agent or solicitor if the employee's compensation is not contingent upon or related to the volume of such applications, insurance or premiums.~~

(2) any regular salaried officer or employee of an insurer rendering assistance to or on behalf of a licensed agent, provided that such salaried officer or employee receives no commission or other compensation directly dependent upon the amount of business obtained;

(3) any person who secures and forwards information for the purpose of group insurance coverage or for enrolling individuals under group insurance coverages or issuing certificates thereunder where no commission is paid for such services.

(b) A "broker" is a person who for compensation in any manner solicits, procures or negotiates insurance contracts or the renewal or continuance thereof, on behalf of insureds or prospective insureds other than himself and not on behalf of an insurer or agent.

~~(c) A "solicitor" is an individual appointed and authorized by an agent or broker to solicit and receive applications for insurance and collect premiums as a representative of the broker or agent.~~

167. License Required—Agents, Brokers and Solicitors; AND BROKERS; Penalty.

(a) No person shall in this State act as or hold himself out to be an agent, ~~broker or solicitor~~, OR BROKER, nor shall any person in any manner solicit, negotiate, make or procure insurance covering subjects of insurance resident, located or to be performed in this State, unless then licensed therefor pursuant to this subtitle or not subject to the provisions hereof, , EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE.

(b) No agent, ~~broker or solicitor~~ OR BROKER shall solicit or take application for, negotiate, procure or place for others any kind of insurance for which he is not then QUALIFIED ~~OR~~ AND licensed.

(c) No commission, fee, reward, rebate or other consideration for procuring or influencing the procurement of any insurance shall be paid, directly or indirectly, to any person who is not then licensed pursuant to the provisions of this subtitle, except as to the kinds of insurance, types of insurers and transactions exempted from the provisions of this sub-title by sections 165 and 171; provided, how-