8–447. RESERVED.

8–448. RESERVED.

PART V. FRATERNAL BENEFIT AGENTS.

8–449. CERTIFICATE OF QUALIFICATION REQUIRED; EXCEPTIONS.

(A)   IN GENERAL.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MUST OBTAIN A CERTIFICATE OF QUALIFICATION ISSUED UNDER PART V OF THIS SUBTITLE BEFORE THE PERSON ACTS AS A FRATERNAL BENEFIT AGENT IN THE STATE.

(B)   OFFICERS OR EMPLOYEES EXCEPTED.

SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A REGULAR SALARIED OFFICER OR EMPLOYEE OF A LICENSED SOCIETY WHO:

(1)   DEVOTES SUBSTANTIALLY ALL OF THE OFFICER'S OR EMPLOYEE'S SERVICES TO ACTIVITIES OTHER THAN SOLICITING INSURANCE CONTRACTS; AND

(2)   DOES NOT RECEIVE, FOR SOLICITING INSURANCE CONTRACTS, A COMMISSION OR OTHER COMPENSATION THAT IS DIRECTLY DEPENDENT ON THE AMOUNT OF BUSINESS OBTAINED.

(C)   PART–TIME SOLICITATION EXCEPTED.

(1)   SUBSECTION (A) OF THIS SECTION DOES NOT APPLY TO A FRATERNAL BENEFIT AGENT OR REPRESENTATIVE OF A SOCIETY THAT DEVOTES, OR INTENDS TO DEVOTE, LESS THAN 50% OF THE PERSON'S TIME TO SOLICITING AND PROCURING INSURANCE CONTRACTS FOR THE SOCIETY.

(2)   FOR THE PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, A PERSON IS PRESUMED TO BE DEVOTING, OR INTENDING TO DEVOTE, 50% OR MORE OF THE PERSON'S TIME TO SOLICITING OR PROCURING INSURANCE CONTRACTS FOR A SOCIETY IF, IN THE PRECEDING CALENDAR YEAR, THE PERSON HAS SOLICITED AND PROCURED:

(I)   LIFE INSURANCE CONTRACTS ON BEHALF OF THE SOCIETY IN AN AMOUNT OF INSURANCE EXCEEDING $50,000; OR

(II)   ANY KIND OF INSURANCE ON THE PERSONS OF MORE THAN 25 INDIVIDUALS FOR WHICH THE PERSON HAS RECEIVED OR WILL RECEIVE A COMMISSION OR OTHER COMPENSATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, §§ 344A and 344B(1) and (2) and the exception in the introductory language of § 344B.

Subsection (a) of this section is rephrased in standard language to state affirmatively that a person must obtain a certificate of qualification before the person acts as a fraternal benefit agent in the State.