

INCLUDING A CLERICAL EMPLOYEE, OTHER THAN A CLERICAL EMPLOYEE OF AN INSURER, WHO TAKES INSURANCE INFORMATION OR RECEIVES PREMIUMS IN THE AGENT'S OFFICE, IF THE EMPLOYEE'S COMPENSATION DOES NOT VARY WITH THE NUMBER OF APPLICATIONS OR AMOUNT OF PREMIUMS;

(II) A REGULAR SALARIED OFFICER OR EMPLOYEE OF AN INSURER WHO GIVES HELP TO OR FOR A QUALIFIED AGENT, IF THE OFFICER OR EMPLOYEE IS NOT PAID A COMMISSION OR OTHER COMPENSATION THAT DEPENDS DIRECTLY ON THE AMOUNT OF BUSINESS OBTAINED; OR

(III) IF NOT PAID A COMMISSION, A PERSON THAT OBTAINS AND FORWARDS INFORMATION FOR:

- 1. GROUP INSURANCE COVERAGE;
- 2. ENROLLING INDIVIDUALS UNDER GROUP INSURANCE COVERAGE; OR
- 3. ISSUING CERTIFICATES UNDER GROUP INSURANCE COVERAGE.

SPECIAL REVISOR'S NOTE: As enacted by Ch. 36, Acts of 1995, this subsection was new language derived without substantive change from former Art. 48A, § 166(a). However, Ch. \_\_\_\_\_, Acts of 1997, substituted the defined term "person[s]" for the former term "insurer[s]" in paragraph (1) of this subsection and made a stylistic change in paragraph (2)(ii) of this subsection.

In paragraph (1) of this subsection, Ch. 36 deleted the phrase "in any manner", which formerly modified "solicits, procures, or negotiates", as surplusage since absent a limitation there is no need to describe the manner of soliciting, procuring, or negotiating.

In paragraph (2)(i) of this subsection, Ch. 36 deleted the former word "used" as included in the word "employed".

The Insurance Article Review Committee noted in Ch. 36, for consideration by the General Assembly, the addition of the reference to "mak[ing]" insurance contracts in paragraph (1) of this subsection. It is the understanding of the Committee that the definition of "agent" is intended to include any action that an agent may take under an appointment with an insurer. Since an insurer may authorize an agent to make an insurance contract by binding the insurer, a reference to "mak[ing]" insurance contracts is included in the definition of "agent". This addition is consistent with the reference to "mak[ing]" a policy in the definition of "appointment" in former Art. 48A, § 166(e), now revised as subsection (g) of this section. The addition is not intended to make a substantive change.

Defined terms: "Insurance" § 1-101

"Insurer" § 1-101

"Person" § 1-101

"Premium" § 1-101

"Qualified agent" § 1-101