

[(4)] (3) a person while employed by an insured to administer or help to administer the insurance or risk management program of the person's employer, if the person is not authorized to accept any compensation from an [agent, broker,] INSURANCE PRODUCER or insurer; or

[(5)] (4) a licensed insurance adviser while employed under contract by an insured and acting for the insured, if the insurance adviser is not authorized to accept any compensation from an [agent, broker,] INSURANCE PRODUCER or insurer.

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(A) IN THIS SECTION, THE TERM "INSURER" DOES NOT INCLUDE AN INSURER'S OFFICERS, DIRECTORS, EMPLOYEES, SUBSIDIARIES, OR AFFILIATES.

(B) THE LICENSING REQUIREMENTS OF THIS SECTION DO NOT APPLY TO:

(1) AN INSURER;

(2) AN OFFICER, DIRECTOR, OR EMPLOYEE OF AN INSURER OR OF AN INSURANCE PRODUCER WHO DOES NOT RECEIVE ANY COMMISSION ON POLICIES WRITTEN OR SOLD TO INSURE RISKS RESIDING, LOCATED OR TO BE PERFORMED IN THE STATE IF:

(I) THE ACTIVITIES OF THE OFFICER, DIRECTOR, OR EMPLOYEE ARE EXECUTIVE, ADMINISTRATIVE, MANAGERIAL, CLERICAL, OR A COMBINATION OF THESE, AND ARE ONLY INDIRECTLY RELATED TO THE SALE, SOLICITATION, OR NEGOTIATION OF INSURANCE;

(II) THE FUNCTION OF THE OFFICER, DIRECTOR, OR EMPLOYEE RELATES TO UNDERWRITING, LOSS CONTROL, INSPECTION, OR THE PROCESSING, ADJUSTING, INVESTIGATING, OR SETTLING OF A CLAIM ON A CONTRACT OF INSURANCE; OR

(III) THE OFFICER, DIRECTOR, OR EMPLOYEE IS ACTING IN THE CAPACITY OF A SPECIAL AGENT OR AGENCY SUPERVISOR ASSISTING INSURANCE PRODUCERS WHERE THE INDIVIDUAL'S ACTIVITIES ARE LIMITED TO PROVIDING TECHNICAL ADVICE AND ASSISTANCE TO LICENSED INSURANCE PRODUCERS AND DO NOT INCLUDE THE SALE, SOLICITATION, OR NEGOTIATION OF INSURANCE;

(3) AN INDIVIDUAL WHO PERFORMS ADMINISTRATIVE SERVICES RELATED TO MASS MARKETED PROPERTY AND CASUALTY INSURANCE, PROVIDED THAT NO COMMISSION IS PAID TO THE INDIVIDUAL FOR THE SERVICES;

(4) AN EMPLOYER, ASSOCIATION, THE OFFICERS, DIRECTORS, AND EMPLOYEES OF AN EMPLOYER OR ASSOCIATION, OR THE TRUSTEES OF AN EMPLOYEE TRUST PLAN IF:

(I) THE EMPLOYER, ASSOCIATION, OFFICERS, DIRECTORS, AND EMPLOYEES, OR TRUSTEES ARE ENGAGED IN THE ADMINISTRATION OR OPERATION OF A PROGRAM OF EMPLOYEE BENEFITS FOR THE EMPLOYER'S OR ASSOCIATION'S OWN EMPLOYEES OR THE EMPLOYEES OF ITS SUBSIDIARIES OR AFFILIATES;