

A bill for an act

relating to commerce; providing a payment mechanism for technology used by the Department of Commerce in connection with licensing of insurance agents, real estate brokers and salespersons, and real estate appraisers; providing certain producer training requirements; appropriating money; amending Minnesota Statutes 2006, sections 60K.55, subdivision 2; 82.24, subdivisions 1, 4; 82B.09, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 45; 60K.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[45.24] LICENSE TECHNOLOGY FEES.**

(a) The commissioner may establish and maintain an electronic licensing database system for license origination, renewal, and tracking the completion of continuing education requirements by individual licensees who have continuing education requirements, and other related purposes.

(b) The commissioner shall pay for the cost of operating and maintaining the electronic database system described in paragraph (a) through a technology surcharge imposed upon the fee for license origination and renewal, for individual licenses that require continuing education.

(c) The surcharge permitted under paragraph (b) shall be up to \$40 for each two-year licensing period, except as otherwise provided in paragraph (f), and shall be payable at the time of license origination and renewal.

(d) The Commerce Department technology account is hereby created as an account in the special revenue fund.

(e) The commissioner shall deposit the surcharge permitted under this section in the account created in paragraph (d), and funds in the account are appropriated to the commissioner in the amounts needed for purposes of this section.

(f) The commissioner shall temporarily reduce or suspend the surcharge as necessary if the balance in the account created in paragraph (d) exceeds \$2,000,000 as of the end of any calendar year and shall increase or decrease the surcharge as necessary to keep the fund balance at an adequate level but not in excess of \$2,000,000.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. [60K.365] PRODUCER TRAINING REQUIREMENTS FOR LONG-TERM CARE PARTNERSHIP PROGRAM INSURANCE PRODUCTS.

(a) An individual may not sell, solicit, or negotiate long-term care insurance unless the individual is licensed as an insurance producer for accident and health or sickness insurance or life insurance and has completed an initial training course and ongoing training every 24 months thereafter. The training shall meet the requirements of paragraph (b).

(b) The initial training course required by this subdivision shall be no less than eight hours and the ongoing training courses required by this subdivision shall be no less than four hours every 24 months. The courses shall be approved by the Department of Commerce and may be approved as continuing education courses under section 60K.56. The courses shall consist of topics related to long-term care insurance, long-term care services, and, if applicable, qualified state long-term care insurance partnership programs, including but not limited to:

(1) state and federal regulations and requirements and the relationship between qualified state long-term care insurance partnership programs and other public and private coverage of long-term care services, including Medicaid;

(2) available long-term care services and providers;

(3) changes or improvements in long-term care services or providers;

(4) alternatives to the purchase of private long-term care insurance;

(5) the effect of inflation on benefits and the importance of inflation protection; and

(6) consumer suitability standards and guidelines.

The training required by this subdivision shall not include training that is insurer or company product specific or that includes any sales or marketing information, materials, or training, other than those required by state or federal law.

(c) Insurers shall obtain verification that a producer has received the training required by this subdivision before a producer is permitted to sell, solicit, or negotiate the insurer's long-term care insurance products. Insurers shall maintain records verifying that the producer has received the training contained in this subdivision and make that verification available to the commissioner upon request.

3.1 (d) Currently licensed producers must complete the initial training course by January
3.2 1, 2008.

3.3 Sec. 3. Minnesota Statutes 2006, section 60K.55, subdivision 2, is amended to read:

3.4 Subd. 2. **Licensing fees.** (a) In addition to fees provided for examinations and the
3.5 technology surcharge required under paragraph (d), each insurance producer licensed
3.6 under this chapter shall pay to the commissioner a fee of:

3.7 (1) \$50 for an initial life, accident and health, property, or casualty license issued to
3.8 an individual insurance producer, and a fee of \$50 for each renewal;

3.9 (2) \$50 for an initial variable life and variable annuity license issued to an individual
3.10 insurance producer, and a fee of \$50 for each renewal;

3.11 (3) \$50 for an initial personal lines license issued to an individual insurance
3.12 producer, and a fee of \$50 for each renewal;

3.13 (4) \$50 for an initial limited lines license issued to an individual insurance producer,
3.14 and a fee of \$50 for each renewal;

3.15 (5) \$200 for an initial license issued to a business entity, and a fee of \$200 for each
3.16 renewal; and

3.17 (6) \$500 for an initial surplus lines license, and a fee of \$500 for each renewal.

3.18 (b) Initial licenses issued under this chapter are valid for a period not to exceed 24
3.19 months and expire on October 31 of the renewal year assigned by the commissioner.

3.20 Each renewal insurance producer license is valid for a period of 24 months. Licensees
3.21 who submit renewal applications postmarked or delivered on or before October 15 of the
3.22 renewal year may continue to transact business whether or not the renewal license has been
3.23 received by November 1. Licensees who submit applications postmarked or delivered
3.24 after October 15 of the renewal year must not transact business after the expiration date
3.25 of the license until the renewal license has been received.

3.26 (c) All fees are nonreturnable, except that an overpayment of any fee may be
3.27 refunded upon proper application.

3.28 (d) In addition to the fees required under paragraph (a), individual insurance
3.29 producers shall pay, for each initial license and renewal, a technology surcharge of up to
3.30 \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted
3.31 under that section.

3.32 **EFFECTIVE DATE.** This section is effective October 1, 2007.

3.33 Sec. 4. Minnesota Statutes 2006, section 82.24, subdivision 1, is amended to read:

3.34 Subdivision 1. **Amounts.** The following fees shall be paid to the commissioner:

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(a) a fee of \$150 for each initial individual broker's license, and a fee of \$100 for each renewal thereof;

(b) a fee of \$70 for each initial salesperson's license, and a fee of \$40 for each renewal thereof;

(c) a fee of \$85 for each initial real estate closing agent license, and a fee of \$60 for each renewal thereof;

(d) a fee of \$150 for each initial corporate, limited liability company, or partnership license, and a fee of \$100 for each renewal thereof;

(e) a fee for payment to the education, research and recovery fund in accordance with section 82.43;

(f) a fee of \$20 for each transfer;

(g) a fee of \$50 for license reinstatement; ~~and~~

(h) a fee of \$20 for reactivating a corporate, limited liability company, or partnership license without land; and

(i) in addition to the fees required under this subdivision, individual licensees under clauses (a) and (b) shall pay, for each initial license and renewal, a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective June 1, 2007.

Sec. 5. Minnesota Statutes 2006, section 82.24, subdivision 4, is amended to read:

Subd. 4. **Deposit of fees.** Unless otherwise provided by this chapter, all fees collected under this chapter shall be deposited in the state treasury. The technology surcharge shall be deposited as required under section 45.24.

EFFECTIVE DATE. This section is effective June 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 82B.09, subdivision 1, is amended to read:

Subdivision 1. **Amounts.** (a) The following fees must be paid to the commissioner:

(1) \$150 for each initial individual real estate appraiser's license; and

(2) \$100 for each renewal.

(b) In addition to the fees required under this subdivision, individual real estate appraisers shall pay a technology surcharge of up to \$40 under section 45.24, unless the commissioner has adjusted the surcharge as permitted under that section.

EFFECTIVE DATE. This section is effective August 1, 2007.