

## 1 HOUSE BILL NO. 61

2 INTRODUCED BY R. FITZGERALD

3 BY REQUEST OF THE STATE AUDITOR

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO CONTINUING  
6 EDUCATION COURSES; ELIMINATING THE INSURANCE ADVISORY COUNCIL; ALLOWING CONTRACTS  
7 FOR EDUCATION COURSE REVIEW; AND AMENDING SECTION 33-17-1204, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 33-17-1204, MCA, is amended to read:

12 **"33-17-1204. Review and approval of continuing education courses by commissioner --**  
13 **advisory council.** (1) The commissioner shall, ~~after review by and at the recommendations of the advisory~~  
14 ~~council established under subsection (2),~~ approve only those continuing education courses, lectures, seminars,  
15 and instructional programs that the commissioner determines would improve the product knowledge,  
16 management, ethics, or marketing capability of the licensee. Course content, instructors, material, instructional  
17 format, and the sponsoring organization must be approved and periodically reviewed by the commissioner. The  
18 fee for approval of a course, lecture, seminar, or instructional program is listed in 33-2-708(2). The  
19 commissioner shall also determine the number of credit hours to be awarded for completion of an approved  
20 continuing education activity.

21 (2) The commissioner shall ~~appoint an advisory council, pursuant to 2-15-122, consisting of at~~  
22 ~~least one representative of the independent insurance agents of Montana, one representative of the national~~  
23 ~~association of insurance and financial advisors – Montana, one representative of the professional insurance~~  
24 ~~agents of Montana, one representative of the Montana state adjusters association, one title insurance producer,~~  
25 ~~two public members who are not directly employed by the insurance industry, one insurance producer or~~  
26 ~~consultant not affiliated with any of the three listed organizations, and a nonvoting presiding officer from the~~  
27 ~~department who will be appointed by the commissioner as a representative of the department. The members of~~  
28 the council shall serve a term of 2 years, except that the initial term of the representative from each

1 organization is 3 years. ~~The commissioner shall consult with the council in formulating rules and standards for~~  
2 ~~the approval of continuing education activities and prior to approving specific education activities. The~~  
3 ~~provisions of 2-15-122 (9) and (10) do not apply to this council~~ may enter into a contract with a person to review  
4 and recommend for approval continuing education courses, lectures, seminars, and instructional programs that  
5 the commissioner determines would improve the product knowledge, management, ethics, or marketing  
6 capability of the licensee.

7 (3) In conducting periodic review of course content, instructors, material, instructional format, or a  
8 sponsoring organization, the commissioner may exercise any investigative power of the commissioner provided  
9 for in 33-1-311 or 33-1-315.

10 (4) If after review or investigation the commissioner determines an approved continuing education  
11 activity is not being operated in compliance with the standards established under this section, the commissioner  
12 may revoke approval, place the activity under probationary approval, or issue a cease and desist order under  
13 33-1-318."

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