

SUBSTITUTE FOR  
HOUSE BILL NO. 4636

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
by amending section 1202 (MCL 500.1202), as amended by 2014 PA 150.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1202. (1) This chapter ~~shall~~**DOES** not ~~be construed to~~  
2       require an insurer to obtain an insurance producer license. As used  
3       in this section, the term "insurer" does not include an insurer's  
4       officers, directors, employees, subsidiaries, or affiliates.

5       (2) A license as an insurance producer is not required of any  
6       of the following:

7       (a) An officer, director, or employee of an insurer or of an  
8       insurance producer, if the officer, director, or employee does not  
9       receive any commission on policies written or sold to insure risks  
10      residing, located, or to be performed in this state and meets 1 or  
11      more of the following:

1           (i) The officer's, director's, or employee's activities are  
2 executive, administrative, managerial, clerical, or a combination  
3 of these, and are only indirectly related to the sale,  
4 solicitation, or negotiation of insurance.

5           (ii) The officer's, director's, or employee's function relates  
6 to underwriting, loss control, inspection, or the processing,  
7 adjusting, investigating, or settling of a claim on a contract of  
8 insurance.

9           (iii) The officer, director, or employee is acting in the  
10 capacity of a special agent or agency supervisor assisting  
11 insurance producers if the person's activities are limited to  
12 providing technical advice and assistance to licensed insurance  
13 producers and do not include the sale, solicitation, or negotiation  
14 of insurance.

15           (b) A person who performs and receives no commission for any  
16 of the following services:

17           (i) Securing and furnishing information for the purpose of  
18 group life insurance, group property and casualty insurance, group  
19 annuities, or group or blanket accident and health insurance.

20           (ii) Securing and furnishing information for the purpose of  
21 enrolling individuals under plans, issuing certificates under  
22 plans, or otherwise assisting in administering plans.

23           (iii) Performing administrative services related to mass  
24 marketed property and casualty insurance.

25           (c) An employer or association or its officers, directors,  
26 employees, or the trustees of an employee trust plan, to the extent  
27 that the employers, officers, employees, directors, or trustees are

1 engaged in the administration or operation of a program of employee  
2 benefits for the employer's or association's own employees or the  
3 employees of its subsidiaries or affiliates, which program involves  
4 the use of insurance issued by an insurer, if the employers,  
5 associations, officers, directors, employees, or trustees are not  
6 in any manner compensated, directly or indirectly, by the company  
7 issuing the contracts.

8 (d) Employees of insurers or organizations employed by  
9 insurers who are engaging in the inspection, rating, or  
10 classification of risks, or in the supervision of the training of  
11 insurance producers and who are not individually engaged in the  
12 sale, solicitation, or negotiation of insurance.

13 (e) A person whose activities in this state are limited to  
14 advertising without the intent to solicit insurance in this state  
15 through communications in printed publications or other forms of  
16 electronic mass media, the distribution of which is not limited to  
17 residents of ~~the~~ **THIS** state, if the person does not sell, solicit,  
18 or negotiate insurance that would insure risks residing, located,  
19 or to be performed in this state.

20 (f) A person who is not a resident of this state who sells,  
21 solicits, or negotiates a contract of insurance for commercial  
22 property and casualty risks to an insured with risks located in  
23 more than 1 state insured under that contract, if the person is  
24 otherwise licensed as an insurance producer to sell, solicit, or  
25 negotiate that insurance in the state where the insured maintains  
26 its principal place of business and the contract of insurance  
27 insures risks located in that state.

1 (g) A salaried full-time employee who counsels or advises his  
2 or her employer concerning the insurance interests of the employer  
3 or of the subsidiaries or business affiliates of the employer, if  
4 the employee does not sell or solicit insurance or receive a  
5 commission.

6 (h) A person whose only sale of insurance is for travel or  
7 auto-related insurance sold in connection with and incidental to  
8 the rental of a motor vehicle under a rental agreement for a period  
9 not to exceed 90 days.

10 (i) A person whose only sale of insurance is for portable  
11 electronics insurance sold in connection with and incidental to the  
12 sale of a portable electronic device if written disclosure material  
13 is provided to the customer at the time of solicitation and the  
14 written material includes all of the following:

15 (i) A disclosure that portable electronics insurance may  
16 duplicate coverage already provided by the customer's homeowners,  
17 renters, or other insurance policies.

18 (ii) A statement that the enrollment by the customer in a  
19 portable electronics insurance program is not required to purchase  
20 or lease a portable electronic device or services for the device.

21 (iii) A summary of the material terms of the portable  
22 electronics insurance coverage, including all of the following:

23 (A) The identity of the insurer.

24 (B) The amount of any applicable deductible and how it is to  
25 be paid.

26 (C) The benefits of the coverage.

27 (D) Key terms and conditions of the coverage, such as whether

1 the portable electronics may be repaired or replaced with a similar  
2 make and model or reconditioned or nonoriginal manufacturer parts  
3 or equipment.

4 (iv) A summary of the process for filing a claim, including a  
5 description of how to return a portable electronic device and the  
6 maximum fee applicable if the customer fails to comply with  
7 equipment return requirements.

8 (v) A statement that the customer may cancel enrollment for  
9 coverage under a portable electronics insurance policy at any time  
10 and that the person paying the premium will receive a refund of or  
11 credit for any unearned premium.

12 (j) A person whose only sale of insurance is for travel  
13 insurance sold in conjunction with and incidental to planned  
14 travel.

15 (K) A PERSON WHOSE ONLY SALE OF INSURANCE IS STORED PROPERTY  
16 INSURANCE SOLD IN CONNECTION WITH AND INCIDENTAL TO THE RENTAL OF  
17 STORAGE SPACE IN A SELF-SERVICE STORAGE FACILITY UNDER A RENTAL  
18 AGREEMENT FOR A PERIOD NOT TO EXCEED 1 YEAR IF WRITTEN DISCLOSURE  
19 MATERIAL IS PROVIDED TO THE CUSTOMER AT THE TIME OF SOLICITATION  
20 AND THE WRITTEN MATERIAL INCLUDES ALL OF THE FOLLOWING:

21 (i) A DISCLOSURE THAT THE STORED PROPERTY INSURANCE MAY  
22 DUPLICATE COVERAGE ALREADY PROVIDED BY THE CUSTOMER'S HOMEOWNERS,  
23 RENTERS, OR OTHER INSURANCE POLICIES.

24 (ii) A SUMMARY OF THE MATERIAL TERMS OF THE STORED PROPERTY  
25 INSURANCE COVERAGE, INCLUDING ALL OF THE FOLLOWING:

26 (A) THE IDENTITY OF THE INSURER.

27 (B) THE BENEFITS OF THE COVERAGE.

1 (C) THE KEY TERMS AND CONDITIONS OF THE COVERAGE.

2 (iii) A SUMMARY OF THE PROCESS FOR FILING A CLAIM.

3 (3) As used in this section:

4 (a) "Motor vehicle" means a motorized vehicle designed for  
5 transporting passengers or goods.

6 (B) "SELF-SERVICE STORAGE FACILITY" MEANS THAT TERM AS DEFINED  
7 IN SECTION 2 OF THE SELF-SERVICE STORAGE FACILITY ACT, 1985 PA 148,  
8 MCL 570.522.

9 (C) "STORED PROPERTY INSURANCE" MEANS INSURANCE THAT PROVIDES  
10 COVERAGE FOR THE LOSS OF, OR DAMAGE TO, TANGIBLE PERSONAL PROPERTY  
11 WITH AN INSURED VALUE NOT EXCEEDING \$10,000.00 CONTAINED IN A  
12 STORAGE SPACE LOCATED ON A SELF-SERVICE STORAGE FACILITY OR IN  
13 TRANSIT DURING THE TERM OF A SELF-SERVICE STORAGE FACILITY RENTAL  
14 AGREEMENT AND THAT IS PROVIDED UNDER A GROUP OR MASTER POLICY  
15 ISSUED TO A SELF-SERVICE STORAGE FACILITY FOR THE PROVISION OF  
16 INSURANCE TO ITS CUSTOMERS.

17 (D) ~~(b)~~ "Travel insurance" means a limited lines insurance  
18 coverage under section 1201(i) for personal risk incident to  
19 planned travel, including 1 or more of the following:

20 (i) Interruption or cancellation of a trip or event.

21 (ii) Loss of baggage or personal effects.

22 (iii) Damages to accommodations or rental vehicles.

23 (iv) Sickness, accident, disability, or death occurring during  
24 travel.

25 (E) ~~(e)~~ Travel insurance does not include major medical plans,  
26 which provide comprehensive medical protection for travelers with  
27 trips lasting 6 months or longer, including, for example, those

1 working overseas as an expatriate or military personnel being  
2 deployed.

3 Enacting section 1. This amendatory act takes effect 90 days  
4 after the date it is enacted into law.