RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 20, 2020
TIME: 3:05 PM

WSR 20-09-126

Agency: Office of the Insurance Commissioner (OIC)

Effective date of rule:

Emergency Rules

☒ Immediately upon filing.

☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this emergency regulation is to facilitate producer licensing activities to address the impact of COVID-19 and the Governor's Stay Home – Stay Healthy Emergency Proclamation. The rule ensures that individuals currently engaged in the licensing process can successfully complete the producer licensing process by extending deadlines in the producer licensing process, and enabling the ability for education courses to be efficiently converted to online courses by removing wait periods.

Insurance Commissioner Matter Number R-2020-02.

Citation of rules affected by this order:

New: WACs 284-17-278, 284-17-510, 284-17-539, and 284-17-551.

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCWs 48.01.030, 48.02.060, 48.17.005, 48.17.090, 48.17.110, 48.17.150, and 48.17.563.

Other authority: None

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

☒ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: Given the extraordinary impact of the COVID-19 outbreak and its impact on Washington businesses, Governor Jay Inslee issued Emergency Proclamation 20-25 on March 23, 2020 prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants prohibits. On April 2, 2020 the Governor extended the time frame for the Proclamation by issuing Proclamation 20-25.1. During this time and possibly thereafter, it has become more difficult for individuals to complete the producer licensing process due to closure of testing sites and cancellation of classes. To ensure that these individuals will not be burdened further by having to restart the coursework and testing processes, it is necessary to provide for longer deadlines, removing barriers and enabling online coursework. Observing notice and comment rulemaking would not serve the public interest because it would deny relief to individuals whose courses expire in the interim, limiting the number of producers available to help consumers during a time of unprecedented interest in insurance procurement.

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note. A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	____	Amended	____	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

New	____	Amended	____	Repealed	____

The number of sections adopted on the agency's own initiative:

New		Amended	4	Repealed	____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	____	Amended	____	Repealed	____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: April 20, 2020	**Signature:**
Name: Mike Kreidler	
Title: Insurance Commissioner	

AMENDATORY SECTION (Amending WSR 16-12-034, filed 5/24/16, effective 6/24/16)

WAC 284-17-278 Approval of an insurance continuing education course. (1) An application for approval of a continuing insurance education course or a new instruction method of a previously approved course must be submitted electronically or via email to the commissioner's education mailbox no fewer than twenty days prior to the first date the course is offered for credit. An insurance education provider may request the expedited conversion of a previously approved classroom course to webinar delivery for a class scheduled to occur between March 23, 2020, and July 31, 2020, by submitting a written request and a description of how the course will comply with requirements applicable to a webinar course in subsection (2)(b)(iv) through (vi) of this section. The twenty day period for submission set forth above does not apply to converted webinar courses approved during this time period.

(a) If the continuing education provider does not know the first date the course will be offered at the time the provider submits the application, then if the commissioner approves the course, the provider cannot offer the course until twenty days after the commissioner receives the course application;

(b) The provider can advertise a course after the approval date, but cannot offer the course until the effective date;

(c) The commissioner will not process a new course application submitted by a provider until after the commissioner has sent the provider's continuing education course renewal notice. The provider must immediately submit the continuing education course renewal request for processing. After the commissioner processes the provider's course renewal request, the commissioner will continue reviewing the provider's new course application.

(2) The request must include all of the following, as applicable:

(a) **Classroom courses:**

(i) Completed request for course and credit approval form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) Detailed course outline, including a list of topics that the continuing education provider will cover and an estimate of the amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s); and

(iv) Sample of the attendance register form that the provider will use.

(b) **Webinar courses:**

(i) Completed request for course and credit approval form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) Detailed course outline, including a list of topics that the provider will cover and an estimate of the amount of time the provider will spend on each topic. The commissioner will not accept video presentation slides in lieu of the detailed course outline;

(iii) Biography or resume of instructor(s);

(iv) Polling questions or verification codes, including two for each credit hour of the course;

(v) Description of the process for monitoring and verifying attendance; and

(vi) Sample of the document the provider will use to record each attendee's attendance and participation.

(c) **Self-study courses:**

(i) Completed request for course and credit approval form or the National Association of Insurance Commissioners Uniform Continuing Education Reciprocity Course filing form;

(ii) Detailed course outline with word count for each chapter, section or module;

(iii) If ethics content is included, a separate word count for the ethics content;

(iv) Samples of the course reading material to assist the commissioner in determining course difficulty level;

(v) Sample of video content, if included in the course. If the course includes video exceeding fifty minutes and the information is mandatory for completing the course, one additional credit hour will be added to the course credit total;

(vi) Description of the verification process the provider will use to confirm that the licensee has completed the course study material before accessing the exam;

(vii) Resume of the course content developer showing education and work experience related to the course subject matter; and

(viii) Copy of the examination. All examination questions must be multiple choice.

(A) The provider must include a minimum of ten exam questions for a one credit hour course, with an additional five exam questions for each subsequent credit hour;

(B) To pass the exam, licensees must achieve a score of seventy percent or higher;

(C) If the licensee does not pass the first exam, the licensee must take a second exam that contains no more than fifty percent of the same questions from the first exam. If the licensee does not pass on the second attempt, the provider must alternate the exams until the licensee passes the exam.

(3) To be eligible for approval, a course must have a direct and specific application to insurance. A course about ethics or about laws and regulations specific to insurance is eligible. The subject matter should increase the producer's technical knowledge of insurance principles, insurance coverage, and insurance laws and regulations. The continuing education provider is responsible for the accuracy of facts and figures used in the course.

(4) The commissioner will not award credit for topics such as personal improvement, general education, sales, marketing, motivation, business management, time management, leadership, supportive office skills, internet use, social media use, automation, and other courses that are not directly and specifically related to insurance.

(5) Insurance prelicensing education courses are not eligible for approval for continuing insurance education credit.

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-510 Prelicensing insurance education requirement. (1) Unless waived by the commissioner under WAC 284-17-515, as a prerequisite to admission to the examination, an applicant for a resident insurance producer license for personal lines, life, disability, property or casualty line of authority must complete twenty hours of prelicensing insurance education for each major line of authority for which the applicant will be tested. Each course must include training on Washington insurance laws and rules applicable to that line of authority and general insurance laws and rules.

(2) The prescribed curriculum for each line of authority to be tested and the related insurance laws and rules, must be successfully completed within the twelve-month period immediately preceding the examination, unless an extension is granted under WAC 284-17-539(8).

AMENDATORY SECTION (Amending WSR 09-02-073, filed 1/6/09, effective 7/1/09)

WAC 284-17-539 Certificates of completion of a prelicensing insurance education course. (1) A certificate of completion in the standard form prescribed by the commissioner must be completed in its entirety, signed by the instructor, and issued by the approved prelicensing insurance education provider to each student in the student's legal name, who has satisfactorily completed an approved course.

(2) Both the student and the instructor(s) must certify that the course was conducted and completed according to the credit hours and curriculum required.

(3) The provider must include on the face of the certificate of completion the correct codes assigned by the commissioner to each approved prelicensing insurance education provider and to each approved course.

(4) The approved prelicensing insurance education provider must issue certificates of completion within two business days after the course is completed.

(5) No instructor may issue a certificate of completion to herself or himself.

(6) Completion of less than the full course curriculum, or of individual classes does not qualify a student to receive a certificate of completion.

(7) A valid certificate of completion (or a valid waiver) for the line of authority on which the student will be examined must be presented to the independent testing service as a prerequisite to taking any insurance license examination.

(8) The certificate of completion for the prelicensing insurance education course will be accepted for twelve months after the course completion date. Unless waived in accordance with RCW 48.17.175, a prelicensing insurance education course must be retaken if a student does not pass the required examination within twelve months after completion of prelicensing education. If the prelicensing education course completion certificate expires between March 23, 2020, and June 30, 2020, the certificate will be extended to expire on July 31, 2020.

(9) The certificate of completion and required signature may be in electronic form.

AMENDATORY SECTION (Amending WSR 17-01-142, filed 12/20/16, effective 1/20/17)

WAC 284-17-551 Prelicensing insurance education——Candidate information bulletin. The prelicensing insurance education curriculum is described in the candidate information bulletin. The candidate information bulletin is incorporated by reference and its entire contents will be enforced by the commissioner. A copy of the current candidate information bulletin is available through the commissioner's web site at www.insurance.wa.gov.

(1) Information in the current version of the candidate information bulletin must be provided to each license candidate at the time of enrollment.

(2) If changes are implemented in the prescribed prelicensing education curriculum, the prelicensing insurance education provider must submit a revised course outline at least fifteen calendar days before the implementation date.

(3) Exam results are valid for only one hundred eighty days from completion of an insurance examination. Exam results that expire between March 23, 2020, and June 30, 2020, will not expire until July 31, 2020.