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GLEN MULREADY
INSURANCE COMMISSIONER

PRODUCER LICENSING BULLETIN NO. 2020-01

**To: All Insurance Companies
All Licensed Insurance Producers**

From: Glen Mulready, Insurance Commissioner

Date: January 8, 2020

Re: Appointments and 36 O.S. § 1435.15

The purpose of this bulletin is to clarify when an appointment is required to be filed under 36 O.S. § 1435.15(B), which states the following:

B. To appoint a producer **as its agent**, the appointing insurer, or an authorized representative of the insurer, shall file in a format approved by the Insurance Commissioner, a notice of appointment within fifteen (15) days from the date the agent contract is executed.

The Department interprets the above provision of the Oklahoma Insurance Code to require an appointment to be filed when the producer is to be appointed “as its agent.” The meaning of agent here does not mean an insurance producer as defined under the Oklahoma Insurance Code but refers to the principal/agent relationship as provided for under agency law. As noted by the NAIC in drafting this model law, “the...contract should specify the type of relationship that is intended.” In this case, the difference between an “agent” and a “producer” is that the “producer” is only authorized to solicit and submit underwriting information. On the other hand, an agent is a producer, that in addition to soliciting applications, has received a contractual transfer of authority from the insurer to exercise some right belonging to the appointing insurer.

Questions or comments applicable to this bulletin should be directed to the Licensing Division (licensing@oid.ok.gov), Oklahoma Insurance Department, Five Corporate Plaza, 3625 NW 56th, Suite 100, Oklahoma City, OK 73112.