

11 NCAC 12 .1711 LICENSE REQUIREMENTS

(a) In addition to the information required by G.S. 58-58-210, applicants for provider licenses shall submit the following:

- (1) A plan of operation, including the manner in which the provider proposes to operate in North Carolina and the type or types of insurance policies or contracts it intends to viaticate.
- (2) The provider's plan of operation shall be a narrative overview of the provider's business and shall include the following information:
 - (A) A certified copy of the provider's charter and by-laws, if a corporation or limited liability company, and a copy of the partnership agreement, if a partnership.
 - (B) A chart showing the relationship of the provider to any parent, affiliated, or subsidiary corporation.
 - (C) A description of the provider's marketing techniques, including a description of training programs for those individuals who will have direct contact with viators.
 - (D) A list of the names of the provider's directors and management personnel, including job titles and descriptions of the job duties.
 - (E) A schedule listing the names of financial institutions with which the provider has escrow trust agreements.
 - (F) A description of what steps through which the viator will have access to funds, including the source that will make such funds available.
 - (G) A financing plan.
 - (H) A statement disclosing the identities of all stockholders holding 10% or more of the provider, and all partners, directors, officers and members of the provider, depending on whether the provider is a partnership, corporation, or limited liability company.
 - (I) An antifraud plan, as specified in G.S. 58-58-268(b).
- (3) Each provider shall notify the Division of any change in the items listed in Paragraph (a)(2) of this Rule within 30 business days after the change.
- (4) Every nonresident provider shall file a power of attorney designating the Commissioner as the provider's agent for service of legal process in accordance with G.S. 58-58-210(g).

(b) A provider license may be renewed yearly by payment of the applicable fee, a notarized certification from the company's president attesting there has been no change to information on file required by G.S. 58-58-210 and this Rule, and a copy of a letter of good standing obtained from the provider's domiciliary regulator.

(c) If a provider's license expires under G.S. 58-58-210(c) and the provider has, on the license renewal date, viatical settlements where the insured has not died, it shall do one of the following:

- (1) Renew or maintain its current license status until the earlier of the following events:
 - (A) The date the provider properly assigns, sells or otherwise transfers the viatical settlements where the insured has not died; or
 - (B) The date that the last insured covered by viatical settlement transaction has died; or
- (2) Appoint, in writing, the broker who received commissions from the viatical settlement, if applicable, or any other provider or broker licensed in this State to make all inquiries to the viator, or the viator's designee, regarding health status of the viator or any other matters.

History Note: Authority G.S. 58-2-40; 58-58-210; 58-58-300;
Temporary Adoption Eff. April 1, 2002;
Eff. April 1, 2003;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 1, 2018.