

## **510.1B Definitions.**

As used in this chapter, unless the context otherwise requires:

1. *"Actuary"* means a person who is a member in good standing of the American academy of actuaries.
2. *"Commissioner"* means the commissioner of insurance.
3. *"Insurer"* means a person duly licensed in this state as an insurance company pursuant to this subtitle.
4. *a. "Managing general agent"* means any person who engages in all of the following:
  - (1) Negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer, including the management of a separate division, department, or underwriting office, and who acts as an agent for such insurer whether known as a managing general agent, manager, or other similar term or title.
  - (2) With or without authority and either separately or together with affiliates, directly or indirectly produces, and underwrites, an amount of gross direct written premium equal to or greater than five percent of the policyholder surplus in any one quarter or year as reported in the last annual statement of the insurer.
  - (3) Engages in either or both of the following:
    - (a) Adjusts or pays claims in excess of an amount determined by the commissioner.
    - (b) Negotiates reinsurance on behalf of the insurer.
- b. Managing general agent does not include any of the following:*
  - (1) An employee of the insurer.
  - (2) A manager of a United States branch of an alien insurer who resides in this country.
  - (3) An underwriting manager who, pursuant to contract, manages all insurance operations of the insurer, who is under common control with the insurer, subject to chapter 521A relating to the regulation of insurance holding company systems, and who is not compensated based upon the volume of premiums written.
  - (4) An insurance company, in connection with the acceptance or rejection of reinsurance on a block of business.
  - (5) The attorney-in-fact authorized by or acting for the subscribers of a reciprocal insurer or interinsurance exchange under power of attorney.
5. *"Underwrite"* means the authority to accept or reject risk on behalf of the insurer.