

521C.2 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. *"Controlling person"* means a person who directly or indirectly has the power to direct or cause to be directed, the management, control, or activities of the reinsurance intermediary.
3. *"Insurer"* means a person licensed to transact the business of insurance in this state.
4. *"Licensed producer"* means an agent, broker, or reinsurance intermediary licensed pursuant to the applicable provision of the insurance law of any jurisdiction.
5. *"Qualified United States financial institution"* means an institution that satisfies all of the following conditions:
 - a. The financial institution is organized or licensed under the laws of the United States or any state of the United States.
 - b. The financial institution is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.
 - c. The financial institution has been determined by either the commissioner, or the securities valuation office of the national association of insurance commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.
6. *"Reinsurance intermediary"* means a reinsurance intermediary-broker or a reinsurance intermediary-manager.
7. *"Reinsurance intermediary-broker"* means a person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the ceding insurer.
8. *"Reinsurance intermediary-manager"* means a person who has authority to bind or manage all or part of the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as an agent for the reinsurer whether known as a reinsurance intermediary-manager or manager, or known by any other similar term or title. However, for the purposes of this chapter, the following persons shall not be considered a reinsurance intermediary-manager, with respect to the reinsurer:
 - a. An employee of the reinsurer.
 - b. A manager of a United States branch of an alien reinsurer who resides in this country.
 - c. An underwriting manager who, pursuant to contract, manages all or part of the reinsurance operations of the reinsurer, who is under common control with the reinsurer, 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.
 - d. The manager of a group, association, pool, or organization of insurers who engages in joint underwriting or joint reinsurance and who is subject to examination by the insurance commissioner of the state in which the

manager's principal business office is located.

9. "*Reinsurer*" means a person licensed in this state as a reinsurer with the authority to assume reinsurance.

10. "*To be in violation*" means that the reinsurance intermediary, insurer, or reinsurer for whom the reinsurance intermediary was acting failed to substantially comply with the provisions of this chapter.

91 Acts, ch 26, §20; 94 Acts, ch 1176, §14