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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3066

03/13/2014 Authored by Davids

The bill was read for the first time and referred to the Committee on Commerce and Consumer Protection Finance and Policy

1.1 A bill for an act  
1.2 relating to insurance; permitting an individual who has an individual health  
1.3 insurance policy to contract with an independent insurance agent or broker to  
1.4 advocate on the individual's behalf with the individual's insurance company;  
1.5 amending Minnesota Statutes 2012, sections 60K.31, by adding subdivisions;  
1.6 60K.49, subdivision 1; proposing coding for new law in Minnesota Statutes,  
1.7 chapter 62V.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 60K.31, is amended by adding a  
1.10 subdivision to read:

1.11 Subd. 1a. **Agent of record.** "Agent of record" means an insurance producer, as  
1.12 defined in subdivision 6, licensed in this state to sell, solicit, or negotiate health insurance,  
1.13 who enters into a contract with a policyholder who has individual health insurance  
1.14 coverage from an insurance company that the agent represents, to advise and advocate on  
1.15 behalf of the policyholder with the policyholder's insurance company.

1.16 Sec. 2. Minnesota Statutes 2012, section 60K.31, is amended by adding a subdivision  
1.17 to read:

1.18 Subd. 1b. **Agent of record letter.** "Agent of record letter" means a letter:  
1.19 (1) signed by an agent of record and a policyholder to represent the policyholder in  
1.20 regard to the policyholder's health insurance policy; and  
1.21 (2) which provides for representation of the policyholder by the agent of record  
1.22 in regard to the health insurance policy.

1.23 Sec. 3. Minnesota Statutes 2012, section 60K.49, subdivision 1, is amended to read:

2.1 Subdivision 1. **Agent of insurer.** A person performing acts requiring a producer  
2.2 license under this chapter is at all times the agent of the insurer and not the insured, except  
2.3 as provided for an agent of record under section 60K.31, subdivisions 1a and 1b.

2.4 Sec. 4. **[62V.051] MNSURE; CONSUMER RETROACTIVE APPOINTMENT**  
2.5 **OF A NAVIGATOR OR PRODUCER PERMITTED.**

2.6 Notwithstanding any other law or rule to the contrary, MNSure must permit a  
2.7 consumer to retroactively appoint a navigator or insurance producer to represent, advise,  
2.8 and advocate on behalf of the consumer.

2.9 Sec. 5. **EFFECTIVE DATE.**

2.10 Sections 1 to 4 are effective the day following final enactment.