

**ALABAMA DEPARTMENT OF INSURANCE
INSURANCE REGULATION**

CHAPTER 482-1-148

TITLE INSURANCE AGENTS

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482-1-148-.01 Purpose, Scope, and Authority.

(1) The purposes of this chapter are as follows:

(a) To set forth rules and procedural requirements the Commissioner deems necessary to carry out the provisions of Chapter 25 of Ala. Code Tit. 27, relating to the licensing of title insurance agents; the issuance of title insurance agent appointments; and the various types of disciplinary action concerning licenses and grants of authority.

(b) To set forth the procedures for the renewal of licenses of title insurance agents, as is required by Ala. Code § 27-25-4.2

(c) To implement the continuing education requirements for title insurance agents set forth in Ala. Code § 27-25-4.4.

(2)(a) This chapter shall apply to individuals and business entities applying for and renewing a title insurance agent license, to persons authorized to provide prelicensing and continuing education courses for title insurance agents, and to all title insurance companies appointing title insurance agents.

(b) Pursuant to Ala. Code § 27-25-3, attorneys licensed by the Alabama State Bar are exempt from the licensing requirements of this chapter. If a licensed attorney chooses to do business through an entity law firm, that entity law firm shall be likewise exempt from the licensing requirements of this chapter. Should a licensed attorney choose to do title insurance business through an entity separate and apart from a law firm, that entity will be subject to the title agent licensing requirements of this chapter and at least one individual must be licensed as an individual title insurance agent, even if that person is a licensed attorney who would otherwise be exempt from licensing. Likewise, should an individual who is not a licensed attorney seek to do business as a title insurance agent through an entity law firm, then the entity law firm would be subject to the licensing requirements of this chapter.

(3) This chapter is adopted pursuant to Ala. Code §§ 27-25-3, 27-25-4, and 27-25-8.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-3, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Revised November 10, 2016, Effective December 15, 2016; Amended July 6, 2023, effective January 1, 2024

482-1-148-.02 Definitions. Unless the context otherwise requires, terms found in this chapter are used as defined in Ala. Code § 27-25-3. Additionally, the following terms shall be defined for purposes of this chapter as follows:

(a) **BUSINESS ENTITY.** A domestic entity properly formed and existing under Ala. Code Tit. 10A.

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- (b) INDIVIDUAL. A natural person.
- (c) LICENSEE. A title insurance agent licensed in accordance with this chapter.
- (d) NAIC. The National Association of Insurance Commissioners or its affiliates or subsidiaries, and any successor thereof.
- (e) NIPR. The National Insurance Producer Registry.
- (f) PERSON. An individual or business entity.
- (g) PRINCIPAL PLACE OF BUSINESS. The place from which a business entity's officers or other principals direct, control, and coordinate the entity's business activities.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Amended July 6, 2023, effective January 1, 2024

482-1-148-.03 [Repealed]

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Repealed July 6, 2023, effective January 1, 2024

482-1-148-.04 [Repealed]

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

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482-1-148-.05 [Repealed]

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Repealed July 6, 2023, effective January 1, 2024

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482-1-148-.06 Title Insurance Agent Examinations.

(1)(a) Except as provided in paragraph (2), all individuals must successfully pass an examination prior to becoming licensed as a title insurance agent.

(b) An outline of the examination will be posted on the Department's Web site setting forth the number of questions on the examination from each test section and the time allowed within which to complete the examination.

(2) An individual is exempt from the examination requirement only as follows:

(a) If, on or before March 31, 2013, the individual can establish to the satisfaction of the commissioner that from January 1, 2008, to December 31, 2012, the individual was an authorized signatory for title commitments, title insurance policies, and title insurance policy endorsements on behalf of a title insurer properly authorized to conduct the business of title insurance in this state.

(b) The individual was previously licensed as a title insurance agent in this state after having passed the examination or being exempt from the examination under paragraph (a), but only if the application is received within twelve (12) months of the cancellation of the individual's previous license and if, at the time of the cancellation, the individual was in good standing with this department.

(3) Examination Passing Grade.

(a) Prior to an examination, each question will be valued with the sum of the values equaling 100.

(b) After an examination, the value of each question answered correctly will be counted and the sum of the values totaling 70 or more shall constitute a passing grade.

(4) Limitations on Repeat Examinations.

(a) If an individual takes and fails to pass two examinations, the individual must wait a minimum of ninety (90) days after the last failure before the individual can again take the examination.

(b) If an individual thereafter fails the examination two additional times, the individual must wait a minimum of one hundred eighty (180) days after the last failure before each subsequent examination.

(c) The waiting periods described in paragraphs (a) and (b) expire twenty-four (24) months after the date of the last failed examination.

(5) An individual passing an examination will be furnished an examination results certificate by the examination administrator. This certificate must be kept by the individual and presented to Department of Insurance upon request.

(6) Examination results certificates are valid for one year from the date of issuance.

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(7) An individual shall pay a non-refundable fee of \$75 for each examination scheduled.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013

482-1-148-.07 Title Insurance Agent License.

(1) All title insurance commitments, policies and endorsements issued by a title insurance agent and insuring an interest in real property situated in this state must be issued and signed by a duly licensed and appointed title insurance agent. The signature block shall contain the license number for the issuing agent and of the signing agent.

(2) Business Entity Agent. A business entity may be issued a title insurance agent license in accordance with the following:

(a) To be licensed as a title insurance agent, a business entity must be an Alabama entity properly formed and existing under Ala. Code Tit. 10A and must have its principal place of business physically located in this state. A sole proprietorship can only be licensed as an individual title agent. One or more individuals doing business under a trade name cannot obtain a business entity title agent license absent formal organization as an entity.

(b) The entity shall complete the Department's on-line licensing process to become licensed as a title insurance agent.

(c) The entity must identify at least one licensed individual title insurance agent designated as responsible for the entity's compliance with all applicable laws, rules, and regulations, and designated to act as signatory on title insurance commitments, policies and endorsements issued by the business entity agent. The licensed individual title insurance agent so designated must have such a degree of affiliation with the entity in terms of an ownership interest in the entity, a role as an officer or director, employment relationship, or otherwise as reasonably assures that the licensed individual agent can cause or influence the entity's compliance with all applicable laws, rules, and regulations, including but not limited to the requirements set forth in paragraph (3) below.

(d) Business entity title insurance agents must be appointed to act on behalf of a title insurer and must be appointed by each title insurer it represents. A business entity is deemed to be representing or acting on behalf of a title insurer upon entering into an agency contract or agreement with the insurer. Each individual title insurance agent acting on behalf of the business entity title agent must also be appointed to represent the insurer.

(3) Individual Agent. An individual may be issued a title insurance agent license in accordance with the following:

(a) The individual must be at least 19 years of age.

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(b) The individual must be either:

1. An Alabama resident citizen.
2. A non-Alabama resident who is employed on a full-time basis by a duly licensed title insurance agent whose principal place of business is physically located in this state.

(c) The individual shall complete the Department's on-line licensing process to become licensed as a title insurance agent.

(d) Individual title insurance agents must be appointed to act on behalf of a title insurer and must be appointed by each insurer it represents.

(4) Unless exempt, an individual applicant must comply with the examination requirements prior to making application for license as a title insurance agent.

(5) Instructions for the on-line licensing process, as it may change from time to time, will be provided on the Department's Web site.

(6) The initial fees for an individual title insurance agent license are set by statute and are listed on the Department's Web site.

(7) Subsequent changes in the name or address of a title agent must be reported within 30 days thereof. While there is no filing fee for reporting such changes, there is a penalty of \$50 for the failure to report the changes within 30 days. Instructions for the name and address change process, as it may change from time to time, will be provided on the Department's Web site.

(8)(a) Individual and business entity title insurance agents are subject to the license renewal process set forth in Rule 482-1-148-.08.

(b) If a title insurance agent license is not renewed in accordance with Rule 482-1-148-.08, the license expires and all title insurer appointments are canceled.

(c) Within twelve months of expiration, the former licensee can reapply for a title insurance agent license without having to retake the examination by following the instructions for the on-line license reinstatement process, as it may change from time to time, as directed on the Department's Web page. Upon receiving the reinstated license, the title agent may again be appointed by insurers by following the on-line appointment process.

(d) When former licensees have been without a license for over twelve months, they must comply with any applicable examination requirements before again applying for a title insurance agent license.

(9) When a title insurance agent's license is suspended or revoked, the former licensee should contact the Legal Division of the Department to receive instructions should the former licensee desire to again become licensed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq., 27-25-8 & 41-1-11

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History: New October 18, 2012, effective January 1, 2013; Amended July 7, 2023, effective January 1, 2024

482-1-148-.08 Renewal of Licenses.

(1) All title insurance agents licensed in the State of Alabama are required to complete an application for license renewal with the Department according to the schedule set forth in this rule, which shall include the payment of the applicable fees, provided in Ala. Code § 27-25-4.7(a)(1), as set forth below:

(a) For individual licensees:

1. For renewals received on or before the license expiration date, the biennial license renewal fee \$40.00
2. For renewals received during the first 30 days following the license expiration date, the biennial license renewal fee plus the \$50.00 late renewal fee \$90.00
3. For reinstatements received after the first 30 days following the license expiration date but within 12 months following the license expiration date, double the biennial license renewal fee [as required in Ala. Code § 27-25-4.2(d)] \$80.00

(b) For business entity licensees:

1. For renewals received on or before the license expiration date, the biennial renewal license fee \$100.00
2. For renewals received during the first 30 days following the license expiration date, the biennial license renewal fee plus the \$50.00 late renewal fee \$150.00

(2)(a)1. All individual licensees shall renew their license biennially based on their month and year of birth.

2. Licensees Born in Even-numbered Years. Beginning in the year 2014, the license of an individual licensee born in an even-numbered year will expire if not renewed at the end of the licensee's birth month in 2014 and every other year thereafter.

3. Licensees Born in Odd-numbered Years. Beginning in the year 2015, the license of an individual licensee born in an odd-numbered year will expire if not renewed at the end of the licensee's birth month in 2015 and every other year thereafter.

(b) Notice is hereby given that beginning approximately seventy-five (75) days prior to license expiration, individual licensees can access the Department's Web site for the purpose of completing their application for license renewal. An initial individual license shall not expire within the first seventy-five (75) days of its effective date.

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(c) All individual licensees shall complete an application for license renewal on the Department's Web site by the license expiration date, to include payment of the applicable fee as set forth in paragraph (1).

(3)(a) Expiration of Business Entity Title Insurance Agent Licenses. All business entity title insurance agent licenses shall expire if not renewed on December 31 of 2014 and every other year thereafter.

(b) Notice is hereby given that beginning on October 1 next preceding license expiration, business entity licensees can access the Department's Web site for the purpose of completing their application for license renewal.

(c) All business entity licensees shall complete an application for license renewal on the Department's Web site prior to license expiration, to include payment of the applicable fee as set forth in paragraph (1). Any license not renewed by the license expiration date may still be renewed during the first 30 days following expiration, with reinstatement retroactive to the expiration date, by paying the applicable fee set forth in paragraph (1).

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq., 27-25-8 & 41-1-11

History: New October 18, 2012, effective January 1, 2013; amended July 7, 2023, effective January 1, 2024

482-1-148-.09 Continuing Education.

(1)(a) Individual licensees shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of ethics, in order to be eligible to renew a title insurance agent license, except as otherwise indicated in this rule.

(b) Licensees Born in Odd-numbered Years, Renewal in 2015 and thereafter. Along with the renewal of license due to be completed in accordance with paragraph (2) of Rule 482-1-148-.08 in the year 2015 and in every other year thereafter, every individual licensee born in an odd-numbered year shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of ethics.

(c) Licensees Born in Even-numbered Years, Renewal in 2016 and thereafter. Along with the renewal of license due to be completed in accordance with paragraph (2) of Rule 482-1-148-.08 in the year 2016 and in every other year thereafter, every individual licensee born in an even-numbered year shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of ethics.

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(2) A person teaching any approved course of instruction or lecturing at any approved seminar or program shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar, or program.

(3) No title insurance agent may receive credit for any approved course more than once for any reporting period.

(4) For the purposes of this chapter, “classroom hour” shall mean a unit of at least fifty (50) minutes of participation in an approved course. This unit of measure shall apply to any classroom course, correspondence course, internet course, or other program or seminar of instruction approved by the Commissioner. Not more than ten (10) minutes of any sixty (60) minute period may be used for breaks, roll-taking, or administrative instructions. The total classroom hours, sometimes also referred to as “credit hours,” for an approved course will be assigned by the Department in the course approval process.

(5) Title insurance agents who have been licensed for less than one full year prior to the license expiration date are not required to complete the continuing education requirements of this rule.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Amended July 6, 2023, Effective January 1, 2024

482-1-148-.10 Continuing Education Providers.

(1) The Commissioner shall approve and authorize providers of continuing education courses and programs and will designate any such course as being acceptable for the purposes of this chapter. Each such authority holder must apply annually for the continued authority to offer continuing education courses in this state.

(2) The courses or programs of instruction successfully completed which shall be deemed to meet the Commissioner's standards for continuing educational requirements and the number of classroom hours for which they are equivalent are:

(a) Any course or program of instruction or seminar shall, subject to the approval of the Commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner.

(b) Any correspondence or internet course approved by the Commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner. To be approved, a correspondence or internet course must include an appropriate testing instrument requiring a grade of 70 percent to successfully complete the course. The examination must be administered by a third-party proctor, who must sign an affidavit attesting to the fact that the student received no outside assistance in the completion of the final examination. The proctor cannot be a friend, relative, or co-

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worker of the licensee, nor anyone with a financial interest in the success of the licensee taking the examination.

(3) The commissioner shall not approve a course under this chapter:

- (a) That is designed as a prelicensing course.
- (b) Which deals only with office skills.
- (c) Which concerns sales promotion and sales techniques.
- (d) Which deals with motivation, psychology, or time management.

(4) Every authorized provider of continuing education courses in this state shall, in accordance with the online process approved by the Commissioner, file a record of all licensees successfully completing each course or program within ten (10) days of the date said course or program is completed. In the case of a correspondence or internet course, this record shall be filed within ten (10) days of the date the provider assigns a grade to the final examination required in subparagraph (2)(b).

(5) At the time of filing its original application for authority as a continuing education course provider, each provider shall pay the filing fee set forth in Rule 482-1-110-.06. Each year thereafter, every provider shall pay the renewal fee for the continuation of the authority to offer continuing education courses in this state set forth in Rule 482-1-110-.06. This renewal fee shall be paid each year during the renewal period of November 1 to December 31. If the renewal application and fee are not received by December 31, the provider approval and all courses approved for that provider will expire.

(6) At the time of filing for course approval, providers shall pay the course approval filing fee set forth in Rule 482-1-110-.06 for each education course or program to be offered in this state. Once approved, no additional filing shall be required for a particular course or program unless the course materially changes. Please note that should the provider authority expire as indicated above, all courses approved for that provider will also expire. Should the provider again become authorized, all courses must be submitted for approval and the course approval fee indicated above must be paid for each such course.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Amended July 6, 2023, effective January 1, 2024

482-1-148-.11 Appointments.

(1) All title insurance agents, including individuals and business entities, must be appointed by any and all title insurers they represent.

(2) All appointments are handled on-line through NIPR.

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(3) The notice of appointment shall be completed by the insurer within 15 days from the date the agency contract is executed or the first insurance application is submitted, whichever occurs first.

(4) Insurers may terminate an appointment at any time, subject to the appointee's contract rights, if any. If a licensee wishes to cancel an insurer appointment, the licensee should request the insurer to cancel the appointment. All appointment cancellations are handled on-line through NIPR.

(5) Insurers shall comply with the appointment continuation requirements set forth in Chapter 482-1-109.

(6) The fees associated with appointments, provided in Ala. Code § 27-25-4.7(a)(2), are as follows:

(a) Notice of appointment fee, per agent per company \$30.00

(b) Annual continuation of appointment fee, per agent per company . \$10.00

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq., 27-25-8, & 41-1-11

History: New October 18, 2012, effective January 1, 2013; Amended July 6, 2023, effective January 1, 2024

482-1-148-.12 Compliance.

(1)(a) Every title insurance agent subject to this chapter shall complete an application for license renewal in accordance with Rule 482-1-148-.08.

(b) The license of any individual or business entity title insurance agent failing to complete the application for license renewal within the time specified in paragraph (2) of Rule 482-1-148-.08 will expire but there is a 30-day grace period following the expiration during which time the licensee can renew with payment of the late fee plus the renewal fee. If the licensee shall complete the application for license renewal prior to the end of said 30-day grace period, along with the payment of the applicable fees, the license will not expire.

(2) Any licensee completing an application for license renewal in accordance with paragraph (1) above but failing to meet the educational requirements imposed by this chapter within the times set forth in this chapter will not be renewed until the licensee shall have complied with the educational requirements of this chapter.

(3) If the licensee has complied with the educational requirements of Rule 482-1-148-.10 and has otherwise complied with this chapter, the license will be renewed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013

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482-1-148-.13 Effect of Disciplinary Actions.

(1) The willful violation of any material provision of this chapter may subject a licensee to an administrative proceeding.

(2) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, an applicant may be issued a license on a probationary basis, or an existing licensee may be placed on probation for a specified period of time or until certain specified conditions are met. A licensee on probation is allowed to become or remain licensed and to renew an existing license, as applicable, if the licensee has complied or is complying with the conditions specified in the settlement agreement, consent order, or other order imposing the probation during the stated term of the probation. During the term of the probation, the licensee remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education and license renewal. If so stated in the settlement agreement and consent order or in the order imposing the probation, failure to comply with the conditions set forth in the probation order may result in the immediate suspension or revocation of the license without further administrative proceedings.

(3) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be suspended for either a specified period of time or until certain specified conditions are complied with subject to the following:

(a) During the term of the suspension, the licensee may not engage in any actions or activity for which the license is required but remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education.

(b) A suspended license may not be renewed if the renewal date occurs during the suspension term.

(c) A suspension is lifted upon expiration of its term or, if based on compliance with specified conditions, by an order issued upon the licensee's showing that the conditions have been met or complied with, or by an order issued after consideration of an application to lift the suspension has been submitted by the licensee. Upon lifting of the suspension, the license is deemed reinstated unless the license has expired or has otherwise terminated during the suspension term.

(d) If the license has expired or otherwise terminated during the suspension term less than twelve (12) months before the date on which the suspension is lifted, the licensee may immediately apply for a license without complying with any applicable examination requirements but will be subject to any applicable continuing education requirements. If over twelve (12) months have elapsed between the expiration or other termination of the license and lifting of the suspension, the licensee must comply with any applicable examination requirements prior to applying for the license.

(4) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be revoked subject to the following:

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(a) The Commissioner’s acceptance of a “voluntary surrender” of a license in lieu of administrative proceedings to revoke the license is deemed a revocation for purposes of this section irrespective of whether the settlement agreement and consent order or other order, or information provided by the Department to the NAIC, characterizes the action as a “revocation.”

(b) From and after the date of revocation, the licensee may not engage in any actions or activity for which the license is required.

(c) A person whose license has been revoked must apply to the Commissioner for permission to apply for any form of license issued through the Department. Such application cannot be made before expiration of the later to occur of two (2) years after the revocation date or such longer period as may be specified in the revocation order. The application may be in the form of a letter addressed to the Commissioner with such attachments as the applicant may deem appropriate. Whether to grant such permission is at the sole discretion of the Commissioner and is dependent upon the receipt of satisfactory proof that the applicant has complied with such conditions for seeking a license, if any, specified in the revocation order, the conditions which led to the revocation have been corrected, and the possibility of recurrence of the conditions has been substantially mitigated or eliminated and should no longer be used to prevent the reapplication for license.

(d) If satisfied that reasons for the revocation are no longer present and should not be used to prevent the applicant from again becoming licensed, the Commissioner shall issue an order authorizing the applicant to again apply for a license. The applicant must comply with any applicable examination requirements as if the applicant is initially applying for a license prior to applying for the license.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Amended July 6, 2023, effective January 1, 2024

482-1-148-.14 [Repealed]

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013; Repealed July 6, 2023, Effective January 1, 2024

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482-1-148-.15 Severability and Effective Date.

(1) If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by a court, the remainder of this chapter or the applicability of the provision to other persons or circumstances shall not be affected.

(2) This chapter shall become effective January 1, 2013, upon its approval by the Commissioner of Insurance and upon its having been on file with the Legislative Reference Service for 35 days, subject to review by the Joint Committee on Administrative Regulation Review.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-25-4, et seq. & 27-25-8

History: New October 18, 2012, effective January 1, 2013