

STATUTES MAKING THE UNAUTHORIZED TRANSACTION OF INSURANCE A CRIMINAL ACT

The date following each state indicates the last time information for the state was reviewed or changed.

STATE	CITATION	DEFINED AS A CRIMINAL ACT	APPLIES TO INSURERS/ PRODUCERS	PENALTIES
AL (6/25)	Bulletin 4-5-2002; §§ 27-10-1; 27-10-2	A producer may be subject to criminal prosecution for selling health plans offered by unauthorized entities.	Producers	§ 13A-8-1 <i>et seq.</i> includes penalties for offenses involving theft by deception. This serves as the authority for the criminal prosecution in the Bulletin.
AK (6/25)	§ 21.36.360	A criminal insurance act is committed by a person doing business in this state or relative to a subject resident, located, or to be performed in this state who knowingly writes, places or causes to be written or placed in this state a policy or contract of insurance from or through a person not authorized to transact business.	Producers	A violation ranges from a Class A misdemeanor to a Class B felon for a fraudulent or criminal insurance act.
AZ (6/25)	§§ 20-106(B)(6); 20-401.01; 20-401.06	It is unlawful for any insurer to transact insurance business without a certificate of authority from the director.	Insurers/Producers	Any unauthorized insurer who knowingly transacts any unauthorized act of an insurance business is guilty of a Class 5 felony.
AR (6/25)	§ 23-65-101	It is a criminal act for a producer to knowingly sell, solicit or negotiate a product of an unauthorized person or entity.	Insurers/Others	A violation is a Class D felony.
CA (6/25)	Ins. § 700(b) Ins. § 703	It is unlawful for any insurance business to transact insurance business without a certificate of authority. It is considered a misdemeanor if an individual acts as an agent for a nonadmitted insurer in the transaction of insurance business in this state, except for a surplus line broker.	Insurers Producers	Imprisonment not to exceed one year, or by fine not exceeding \$100,000, or by both fine and imprisonment. In addition to any penalty for any misdemeanors, a person violating any provision of this section shall pay \$500 to the state and \$100 for each month or fraction thereof during which he or she continues the violation.
CO (6/25)	§ 10-3-104	It is unlawful to procure, receive, or forward applications for insurance in, or to issue or to deliver policies for, any company not legally authorized to do business in this state.	Insurers/Producers	A violation is a Class 2 misdemeanor.

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CT (6/25)	§§ 38a-272; 38a-278	No person or insurer shall conduct acts of insurance business except as authorized by statutes.	Insurers	Unauthorized insurer shall be fined no more than \$50,000. Any person or insurer who violates these provisions shall be fined \$2,500 for the first offense and an additional \$2,500 for each month the offense continues.
DE (6/25)	18 Del. C. § 2101(a)	No person shall act as an agent for any insurer not authorized to transact insurance business in this State.	Producers	Each violation shall subject the insurer to a fine of \$5,000.
DC (6/25)	§ 31-2502.39	No person shall act as agent in the District for any company which is not authorized to do business in the District, nor shall any person directly or indirectly negotiate for or solicit applications for policies of, or for membership in, any company which is not authorized to do business in the District.	Producers	Any person who violates any provision of this section upon conviction shall be fined not less than \$100 nor more than \$1,000 for each offense, or be imprisoned for not more than 12 months, or both, and any such person shall be personally liable to any resident of the District having claim against any such unauthorized company under any policy which said person has solicited or negotiated, or has aided in soliciting or negotiating.
FL (6/25)	§§ 626.901; 626.902	No person shall act as an agent for any insurer not authorized to transact insurance business in the state.	Producers	Any insurance agent licensed in this state who knowingly represents or aids an unauthorized insurer commits a third-degree felony. Any person other than an insurance agent licensed in this state that represents or aids an unauthorized insurer commits a third-degree felony.
GA (6/25)	§§ 33-5-1 to 33-5-3	No person in this state shall represent an insurer who is not authorized to transact insurance in this state or any person in the procurement of insurance with an unauthorized insurer.	Producers	Any person, firm, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor.

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HI (6/25)	§§ 431:8-201; 431:8-202; 431:8-211	<p>It is unlawful for any insurer to transact insurance business in this state without a certificate of authority.</p> <p>No person in this state shall directly or indirectly act as a producer for, or otherwise represent or aid on behalf of another, any unauthorized insurer in the solicitation, negotiation, procurement, or effectuation of insurance or renewals, or forward applications, deliver policies, contracts, or inspection of risks, fix rates, investigate or adjust claims or losses, collect or forward premiums, or in any other manner represent or assist an unauthorized insurer in the transaction of an insurance business.</p>	<p>Insurers</p> <p>Producers/Others</p>	<p>Any unauthorized insurer who transacts any unauthorized act of an insurance business may be fined not more than \$10,000.</p> <p>Any person, other than an insured, who represents or aids an unauthorized insurer, may be fined not more than \$1,000.</p>
ID (6/25)	§§ 41-1201; 41-1202	No person shall in this state directly or indirectly act as agent for, or otherwise represent or aid on behalf of, an insurer not authorized to transact insurance in this state.	Producers	Any person who violates § 41-1201 shall be guilty of a misdemeanor punishable by a fine not to exceed \$2,000 or by imprisonment in the county jail not to exceed 6 months, or by both a fine and imprisonment.
IL (6/25)	§§ 215 ILCS 5/121; 5/122	<p>It is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this State, without a certificate of authority from the Director.</p> <p>It is unlawful for a person as officer, director, clerk, employee, or agent to serve or represent a company in connection with an act performed or contract entered into in violation of § 121.</p>	<p>Insurers</p> <p>Producers</p>	A violation is a Class A misdemeanor.

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IN (6/25)	§ 27-4-5-2	May not transact insurance without a certificate of authority. Acting as an agent for or otherwise representing or aiding on behalf of another person or insurer in the solicitation, negotiation, procurement, or effectuation of insurance constitutes transacting insurance.	Insurers Producers/Others	A violation is a Class A infraction.
IA (6/25)	§ 522B.2 § 507A.10	A person shall not sell, solicit, or negotiate insurance in this State for any line of insurance unless the person is licensed as an insurance producer for that line of insurance. Applies to a person acting as an insurance producer without proper licensure or an insurer that willfully violates any provision of the unauthorized insurer's chapter of the Iowa Code.	Producers Insurers/Producers	A violation is a Class D felony, or a Class C felony if gain or damages exceed \$10,000.
KS (6/25)	§§ 40-2702 to 40-2707	Unlawful for any insurer to transact business in the state without a certificate of authority from the commissioner.	Insurers	Fined not more than \$10,000.

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KY (6/25)	§§ 304.47-020; 304.11-030; §§ 532.090; 532.060	It is a fraudulent insurance act to engage in unauthorized insurance.	Insurers/Producers	<p>A person convicted of a violation shall be guilty of a Class A misdemeanor where the aggregate of the claim, benefit, or money is less than \$500, and shall be punished by:</p> <ol style="list-style-type: none"> 1. Imprisonment for not more than one year; 2. A fine, per occurrence, of not more than \$1,000 per individual or \$5,000 per corporation or twice the amount of gain received as a result of the violation, whichever is greater; or 3. Both imprisonment and a fine. <p>Where the claim, benefit, or money exceeds an aggregate of \$500 but less than \$10,000, a person convicted of a violation shall be guilty of a Class D felony; \$10,000 or more but less than \$1 million, a Class C felony; or \$1 million or more, a Class B felony, and shall be punished by:</p> <ol style="list-style-type: none"> 1. Imprisonment - periods set forth in KRS 532.060; 2. A fine, per occurrence, of not more than \$10,000 per individual or \$100,000 per corporation or twice the amount of gain received as a result of the violation, whichever is greater; or 3. Both imprisonment and a fine. <p>A fine of not less than \$100 or twice the amount of the gain from the commission of the violation, whichever is greater.</p>

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LA (6/25)	§§ 22:12; 22:13; 22:1923; 22:1924	<p>No person shall act as an insurer in this state unless properly qualified as an insurer of a type permitted under the provisions of this Code. No person shall be authorized to transact or shall transact a business of insurance in this state without complying with the provisions of this Code.</p> <p>“Fraudulent insurance act” shall include acts or omissions committed by any person who, knowingly and with intent to defraud, solicits or accepts new or renewal insurance risks by or for an unauthorized insurer.</p>	Insurers/Producers	<p>Whoever intentionally violates, aids, abets, counsels, or procures another person to intentionally violate any provision of this Code, upon conviction, unless a specific penalty is provided elsewhere in this Code, and in addition to any revocation, suspension, or forfeiture of any license, power, or privilege provided for in this Code, if a corporation, shall be fined not more than \$50,000; a natural person shall be fined not more than, or imprisoned with or without hard labor for not more than five years, or both.</p> <p>Any person who commits a fraudulent insurance act as defined in § 22:1923 is guilty of a felony and shall be subjected to a term of imprisonment, with or without hard labor, not to exceed 5 years, or a fine not to exceed \$5,000, or both, on each count.</p>
ME (6/25)	17-A M.R.S.A. § 901-A	A person is guilty of deceptive insurance practices if in the course of engaging in the business of insurance that person intentionally transacts the business of insurance without proper licensure, certification or authorization.	Any person	A deceptive insurance practice is a Class D crime.

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MN (6/25)	§§ 72A.41; 72A.44	It is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state without a certificate of authority from the commissioner.	Insurers	Penalty of not less than \$100 nor more than \$1,000 for each offense.
MS (6/25)	§§ 83-6-3; 83-6-35	Insurers must be registered with the commissioner and authorized to do business in the state. Whenever it appears to the commissioner that any insurer or any director, officer, employee or agent has committed a willful violation of this chapter, the commissioner may institute criminal proceedings.	Insurers/Producers	Any insurer who willfully violates this chapter may be fined not more than \$500. Any individual who willfully violates this act upon conviction may be fined not more than \$500, or if such violation involves the deliberate perpetration of a fraud, may be imprisoned in the state penitentiary for not more than 2 years, or both.
MO (6/25)	§ 375.310	It is unlawful for any person, association of individuals, or any corporation to transact in this state any insurance business unless the person, association, or corporation is duly authorized by the director under a certificate of authority or appropriate licensure, or is an insurance company exempt from certification under § 375.786.	Insurers/Producers	Any person who knowingly engages in any act, practice, omission, or course of business in violation of this section is guilty of a Class E felony.
MT (6/25)	§§ 33-2-101; 33-2-104; 33-1-317	A person acting as an insurer and an insurer transacting insurance in this state must have a subsisting certificate of authority issued by the commissioner. A person may not directly or indirectly act as insurance producer in this state for, or otherwise represent or aid on behalf of another, any insurer not authorized to transact insurance in this state.	Insurers	A fine not to exceed a sum of \$25,000 upon a person found to have violated a provision of this code or regulation.
NE (6/25)	§§ 44-2002; 44-2007	May not transact insurance business without a certificate of authority from the director.	Insurers/Producers	Any unauthorized insurer who transacts insurance business shall be guilty of a Class I misdemeanor.

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NV (6/25)	§§ 685B.030; 685B.080; 685B.083; 685B.087; NRS 193.130	It is unlawful for any insurer to transact an insurance business without a certificate of authority from the commissioner. Any insurer who transacts any unauthorized insurance business as set forth in NRS 685.030 is guilty of a category B felony and shall be punished as provided in NRS 193.130.	Insurers	A category B felony is a felony for which the minimum term of imprisonment in the state prison is not less than one year nor more than 20 years. Any unauthorized insurer who transacts any unauthorized act of an insurance business as set forth in the Unauthorized Insurers Act may be fined not more than \$10,000 for each act or violation.
NH (6/25)	§§ 406-B:3; 406-B:12; 406-B:2; 400-A:15	No unlicensed person or insurer shall directly or indirectly act as an insurance business.	Insurers	Any unlicensed insurer who does any unauthorized act of an insurance business as set forth in RSA 406-B:2 shall be fined in accordance with RSA 400-A:15, III. Any person who knowingly violates any statute, rule, regulation, or order of the commissioner may be subject to such suspension or revocation of certificate of authority or license, or administrative fine not to exceed \$2,500 per violation.
NJ (6/25)	§ 17:22-6.38	May not represent or aid an unauthorized insurer.	Producers	A person who represents or aids an unauthorized insurer is guilty of a misdemeanor.
NM (6/25)	§§ 59A-1-18; 59A-15-2; 59A-15-10	No person shall directly or indirectly act as an agent for, or otherwise represent or aid on behalf of another, any unauthorized insurer in solicitation, negotiation, procurement or effectuation of insurance or renewals, or forward applications, deliver policies or contracts, inspect risks, fix rates, investigate or adjust claims or losses, collect or forward premiums, or in any other manner represent or assist such insurer in transaction of insurance in this state.	Insurers/Producers	Unless defined as a felony under any law of this state, every violation of the Insurance Code is a petty misdemeanor punishable by a fine not to exceed \$500. Any unauthorized insurer which transacts in this state any insurance business in violation of the Insurance Code shall be subject to a fine of not more than \$20,000 for each violation.

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NY (6/25)	N.Y. Ins. Law § 2117(a), (g)	No person, firm, association or corporation shall in this state act as agent for any insurer or health maintenance organization which is not licensed or authorized to do an insurance or health maintenance organization business in this state.	Insurers/Producers	In addition to any other penalty provided by law, forfeit to the people of the state the sum of \$500 for each transaction.
NC (6/25)	§§ 58-33-95; 58-28-45	No person shall act as agent for an insurer not authorized to transact business or negotiate for or place or aid in placing insurance coverage for another with any such insurer.	Producers	Class 1 misdemeanor and a fine not less than \$1,000 or more than \$5,000 may be imposed if the person did not know that the insurer was an authorized insurer Class H felony and a fine not less than \$1,000 and no more than \$5,000 if the person knew or should have known that the insurer was an unauthorized insurer. For purposes of the fines imposed by § 58-28-45, each day the violation occurs constitutes a separate violation.
ND (6/25)	§§ 26.1-02-05; 26.1-02-25	An insurance company may not transact insurance business in this state without a certificate of authority from the commissioner.	Insurers/Producers	A violation is a Class C felony.
OH (6/25)	§§ 3905.31; 3905.99(B)	No person not licensed under § 3905.30 of the Revised Code shall take or receive any application for such insurance upon property or persons in this state, or receive or collect a premium or any part thereof for any unauthorized insurance company, or attempt or assist in any such act, or perform any act in this state concerning any policy or contract of insurance of any unauthorized insurance company.	Producers	Whoever violates § 3905.31 or § 3905.33 of the Revised Code shall be fined not less than \$25 nor more than \$500 or imprisoned not more than one year, or both.

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OK (6/25)	36 Okl.St.Ann. §§ 1435.4; 1435.26	A person shall not sell, solicit, or negotiate insurance in this state for any class or classes of insurance unless the person is licensed for that line of authority in accordance with the Oklahoma Producer Licensing Act.	Producers	Any person convicted of violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than \$5,000 or shall be committed to the custody of the Department of Corrections for not less than one year nor more than 5 years, or be punished by both said fine and commitment to custody.
OR (6/25)	§§ 731.354; 731.992; 731.988	No person shall act as an insurer and no insurer shall directly or indirectly transact insurance in this state except as authorized by a subsisting certificate of authority.	Insurers/Producers	A violation of any provision of the Insurance Code for which the Insurance Code or other laws do not provide a greater penalty is a Class A misdemeanor. The civil penalty may not exceed \$1,000 for each offense.
PA (6/25)	18 § 4117	A person commits an offense if the person engages in unlicensed agent, broker or unauthorized insurer activity, knowingly with intent to defraud an insurer, a self-insured or the public.	Insurers	A violation is a felony in the third degree.
PR (6/25)	26 LPRA § 949i	No person in Puerto Rico shall act as or pretend to be an insurance producer, authorized representative, general agent, solicitor, adjuster, or consultant unless he or she holds a license therefor.	Any person	Violations shall be deemed misdemeanor punishable with a fine of not less than \$500 nor more than \$15,000.
RI (6/25)	§§ 27-16-1.1; 27-16-1.2; 27-16-2.2	Insurers not authorized to transact insurance in the state shall not do so without a certificate of compliance from the commissioner.	Insurers	Fined not more than \$10,000.

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SC (6/25)	§§ 38-25-110; 38-25-120; 38-25-130; 38-25-320; 38-25-330	<p>It is unlawful for an insurer to transact insurance in this state without a certificate of authority from the director or his designee.</p> <p>No person may act as an agent for an insurer not authorized to transact business in this state or negotiate for or place coverage in this state for another with an unauthorized insurer.</p> <p>No person may aid an unauthorized insurer in transacting insurance business by fixing a rate, adjusting or investigating losses, inspecting or examining risks, by acting as an attorney in fact, or by acting as an attorney for service of process or otherwise.</p>	Insurers/Producers/ Other	<p>An unauthorized insurer who transacts any unauthorized act of insurance may be fined not more than \$50,000.</p> <p>A person willfully violating any provision of this chapter shall be guilty of a felony and upon conviction, may be fined in the discretion of the court or imprisoned not more than 3 years, or both.</p>
SD (6/25)	§ 58-4A-2 § 58-8-1	<p>A person commits a fraudulent insurance act if engaged in the business of insurance, whether authorized or unauthorized, receives money for the purpose of purchasing insurance and converts the money to the person's own benefit, or for a purpose not intended or authorized by an insured.</p> <p>No person may, directly or indirectly, act as an insurance producer or otherwise represent any insurer not authorized to transact insurance business in this state.</p>	<p>Insurers/Producers</p> <p>Producers</p>	<p>Any violation for an amount of \$400 or less is a Class 2 misdemeanor. Any violation for an amount in excess of \$400 and less than \$1,000 is a Class 1 misdemeanor. Any violation of this section for an amount of \$1,000 and greater is a Class 4 felony. Any other violation of this section is a Class 1 misdemeanor.</p> <p>Any violation of this section is a Class 2 misdemeanor.</p>
TN (6/25)	§§ 56-6-114; 56-53-102; 39-14-133	A person who sells insurance in this state for an insurance company not authorized to do business in this state commits a fraudulent insurance act as defined by § 56-53-102 and subject to penalties under § 39-14-133.	Producers	Punished as in the case of theft.

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TX (6/25)	I.C. §§ 101.102; 101.106 I.C. § 885.702	A person may not directly or indirectly do an act that constitutes the business of insurance except as authorized by statute. An intentional, knowing or reckless violation of § 101.102 is an offense subject to criminal penalties. A person commits an offense if the person solicits membership for or in any manner assists in procuring membership in a fraternal benefit society that is not authorized to transact business in this state.	Insurers/Producers Any person assisting in procuring membership in a fraternal benefit society.	An offense under this section is a felony of the third degree. An offense under this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200.
UT (6/25)	§§ 31A-2-308; 31A-4-102 § 31A-8a-208	A person who knowingly and intentionally violates the unauthorized insurer statute is guilty of a felony. A person is guilty of a class B misdemeanor if that person intentionally violates an insurance statute of this state; intentionally permits a person over whom that person has authority to violate an insurance statute; or an order issued under 31A-2-201(4). A person, who knowingly and intentionally represents or aids an unauthorized insurer in violation of the provisions of this chapter or Chapter 15, is guilty of a felony.	Any person Unlicensed health discount program operator	When the value of the property, money, or other things obtained or sought to be obtained is less than \$5,000, a person is guilty of a third degree felony; if it exceeds \$5,000, a person is guilty of a second degree felony. Unless a specific criminal penalty is provided elsewhere in this title the person may be fined not more than \$10,000 for a corporation or \$5,000 if a person other than a corporation. A violation is a felony in the third degree.
VT (6/25)	8 V.S.A. § 3368a	No person shall transact insurance business unless the commissioner has provided a license or certificate of authority.	Any person	Imprisoned not more than 5 years or fined not more than \$10,000, or both.

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VI (6/25)	22 VIC §§ 752; 753	It is unlawful for a person to perform any act as an insurance producer unless then licensed in the Virgin Islands. It is unlawful for a person to sell, solicit or negotiate insurance for any class or classes of insurance unless that person is licensed for that line of authority. It is unlawful for any person to act or hold himself out as an adjuster unless licensed or otherwise authorized.	Any person	Any person violating this section may be fined up to \$10,000 or imprisonment for not more than one year, or both, for each instance of violation, in addition to any other penalty or forfeiture provided by law.
VA (6/25)	§ 38.2-1802	No person other than a licensed surplus lines broker shall sell, solicit, or negotiate contracts of insurance on behalf of any insurer which is not licensed to transact the business of insurance.	Insurers/Producers	A person in violation of this section is guilty of a Class 1 misdemeanor and shall be punished for each offense.
WA (6/25)	§§ 48.15.023; 48.15.020	An insurer that is not authorized by the commissioner may not solicit insurance business in this state or transact insurance business in this state. A person may not represent an unauthorized insurer. Applies to an act committed in whole or in part in the state of Washington, or that affects persons or property within the state and relates to or involves an insurance contract.	Insurers/Any person	The person in violation of 48.15.020(1) is guilty of a Class B felony. Each violation of 48.15.202(2) is punishable by a fine of not more than \$25,000.
WV (6/25)	§§ 33-44-4; 33-44-9	It is unlawful for any person to engage in any act which constitutes the transaction of insurance under the provisions of this article unless authorized by a license in force pursuant to the laws of this state. It is unlawful for any person to, directly or indirectly, represent, aid, counsel, opine, administer, assist in any manner or capacity or otherwise act as an agent on behalf of an unauthorized insurer in the unauthorized transaction of insurance.	Insurers/Producers/ Any person	An unauthorized insurer that violates this article is guilty of a felony and, upon conviction, may be fined not more than \$20,000 per unauthorized act or transaction of unauthorized insurance or confined in the state correctional facility not less than one or more than 5 years, or both.

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WI (6/25)	§ 618.39	No person may do an insurance business in this state if the person knows or should know that the result is or might be the illegal placement of insurance with an unauthorized insurer or the subsequent servicing of an insurance policy placed with an unauthorized insurer.	Producers	Any person who violates 618.39(1) is personally liable to any claimant under the policy for any damage proximately caused by the person's violation.
WY (6/25)	§§ 26-12-102; 26-1-107	No person shall act as an agent for, or otherwise represent or aid on behalf of another, any insurer not then authorized to transact insurance in this state.	Insurers/Producers	Each violation for which a greater penalty is not provided elsewhere, in addition to any applicable prescribed denial, suspension, or revocation of certificate of authority or license, is a misdemeanor punishable by fine not more than \$1,000, or by imprisonment in the county jail for not more than 6 months, or both. Each violation is a separate offense.

This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Every effort has been made to provide correct and accurate summaries to assist the reader in targeting useful information. For further details, the statutes and regulations cited should be consulted. The NAIC attempts to provide current information; however, readers should consult state law for additional adoptions.