

**PRODUCERS' ABILITY TO CHARGE FEES AND COLLECT COMMISSIONS**

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

STATE	CITATION	APPLICABILITY	PROVISIONS ON FEES AND COMMISSIONS
AL (7/24)	§ 27-12-17; AL Bulletin 9-1-2016	Any person	Shall not willfully collect as an insurance premium any sum in excess of the premium in accordance with applicable classifications and rates as filed. This does not prohibit a licensed producer from charging a collection fee of up to one and one-half percent per month on unpaid balances for insurance premiums; and does not prohibit a licensed producer from charging approved administrative fees to process property and casualty insurance applications.
AK (7/24)	§ 21.36.500; AK Bulletin 2004-14; 2016-2	Insurance producer	A person licensed under this title may not charge a fee other than commission for financial planning unless the fee is based on a written agreement, which must be signed before the performance of a service, which includes the service for which the fee is to be charged, how the fee will be calculated and provide the client is under no obligation to purchase an insurance product.
AZ (7/24)	§ 20- 465	Insurance producer, except those transacting commercial insurance, and surplus lines brokers	Shall not charge or receive any fee or service charge in addition to the premium unless the fee or charge and the specific service for which it is charged are disclosed and agreed to in writing by the insured and the amount is reasonably related to the cost of the service rendered; does not restrict producers from charging and collecting fees included in the insurer's rate filing.
AR (7/24)	§ 23-66-310	Licensed insurance agents or producer	<p>No person shall willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance in accordance with the applicable classifications and rates as filed and approved if necessary by the insurance commissioner, or in cases in which classifications, premiums, or rates are not required by the Arkansas Insurance Code to be so filed and approved, the premiums and charges shall not be in excess of those specified in the policy and as fixed by the insurer.</p> <p>Nothing shall prohibit a duly licensed property or casualty agent or broker from charging a fee to the insured in addition to the premium properly charged for a policy or contract according to the insurer's rate and rule filings with the state insurance department provided that: 1) each such fee is separately disclosed on the invoice; and 2) in the sum of the fees and all producers' commissions or other compensation due and owing for that policy or contract does not exceed 20% of the total gross premium.</p>
CA (7/24)	Ins. § 1848	Life and disability insurance analysts	A licensee shall not receive any fee unless that fee is based upon a written agreement, signed by the party to be charged, which includes a statement that information and services concerning insurance policies may be obtained directly from the insurer without cost, a statement outlining the services to be performed for which a fee is to be charged, and the fee to be charged.

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CO (7/24)	3 CCR 702-1:1-2-9	Insurance producer, except those transacting title insurance	May charge fees for specific services that are beyond the scope of services pertaining to acquiring and/or maintaining specific insurance policies, including, but not necessarily limited to, risk management services, financial planning, investment counseling, qualified retirement plan design or administration, estate planning, third party employee benefit plans, or any other service for which the insurance producer does not receive a commission from an insurance company. Such fees may be charged only under the following circumstances: 1) when the client signs a disclosure statement in advance of the performance which states that the client is not obligated to purchase any insurance product through the producer in exchange for receiving the specific service; and 2) where it is clear from the outset that no insurance product sale related to the specific services rendered will occur through the insurance producer.
CT (7/24)	§ 38a-707	Insurance producers and agents	Shall not have any right to compensation, except for commissions deductible from insurance policy premiums or the negotiation or procurement thereof, unless such right to compensation is based upon a written memorandum, signed by the party to be charged, and specifying the amount of the compensation.
DE (7/24)	18 Del. Admin. Code 502-2.0	Insurance consultant, agent or broker	No consultant may accept commissions or any valuable consideration from any insurer, insurance agent or insurance broker when the fee proceeds from the sale of insurance. No insurance agent or broker may accept commissions or valuable consideration when a consultant's fee has previously been received.
DC (7/24)	§ 31-1131.13	Insurance producer	A person shall not accept a commission, service fee, brokerage fee, or other valuable consideration for selling, soliciting, or negotiating insurance in the District if that person is required to be licensed under this chapter and is not licensed. Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the District if the person was required to be licensed under this chapter at the time of the sale, solicitation, or negotiation and was licensed at that time.
FL (7/24)	§ 626.593	Insurance agent	No licensed insurance agent may receive any fee or commission for examining health plans unless such compensation is based upon a written contract signed by the party to be charged and clearly defining the amount or extent of compensation. Commissions received from an insurer shall be rebated back to the party charged.
GA (7/24)	No provision		
HI (7/24)	§ 431:9A-113	Insurance producer	Renewal or other deferred commissions may be paid to a person selling, soliciting, or negotiating insurance in the state if that person was required to be licensed under this article at the time of the sale, solicitation, or negotiation and was so licensed.

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ID (7/24)	IDAPA 18.06.03.011	Retail producer	Before charging a fee to a consumer, the producer shall furnish a written disclosure statement containing at least a description of the work to be performed, a fee schedule plus any other expenses to be charged and if the fees are negotiable. May not charge a fee for services in connection with statutorily mandated insurance coverage.
	§ 41-1030	Retail producer and wholesale producer	Before charging a fee to a consumer, a written statement that describes the services the retail producer will perform, and the fees received must be provided to the consumer. The wholesale producer shall do the same for the retail producer.
IL (7/24)	215 ILCS 5/500-80	Insurer or insurance producer	Has right to compensation if provides written disclosure that clearly specifies the amount or extent of the compensation prior to the issuance of the policy. If the compensation or service fee exceeds 10% of the premium amount of the contract or policy, the disclosure shall include the signature of the insured or prospective insured acknowledging the compensation or service fee.
IN (7/24)	§ 27-1-15.6-24	Insurance producer	May charge a commercial insured a reasonable fee as reimbursement for expenses incurred but must first provide a written notice to the commercial insured stating the amount of the fee and how it will be calculated. May charge a reasonable fee for services that are provided at the request of the commercial insured in connection with a commercial property or casualty policy for which no commission or other compensation is received based on a written description of the services provided to the insured which includes the fee to be charged and any fee charged must be identified and itemized in a bill separate from the premium. May charge a late fee, not to exceed 1.75% per month.
IA (7/24)	§ 191-20.56	Property/casualty producer	Commission to the licensed producer designated by the applicant shall be 10% of all policy premiums.
	§ 191-10.14	Insurance producer	An insurer or a producer may pay a nominal fee for referrals if the same fee is paid for each referral whether or not the referral results in an insurance transaction. An insurer or a producer may not charge an additional fee for services that are customarily associated with the sale, solicitation, negotiation and servicing of an insurance policy. This prohibition does not apply to assigned risk and commercial property/casualty policies. Any fees or other charges that are assessed to an insurance consumer must be fully disclosed.

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KS (7/24)	§ 40-4910	Insurance agent/insurance company	Renewal or other deferred commissions may be paid to a person selling, soliciting, or negotiating insurance in this state if such person was required to be licensed under this act at the time the sale, solicitation, or negotiation of insurance occurred and such person was licensed at the time.
KY (7/24)	§§ 304.13-171; 304.14-030; Bulletin 94-3	Insurance producer	Fees for underwriting expenses for a property and casualty contract are allowed only if the coverage is provided and the fee has been submitted for prior approval. There is no statutory authority for the charging of a policy or similar fee in addition to the premium charged for an insurance policy. KRS 304.14-030 states that any policy, membership, or similar fee shall be deemed part of the premium. KRS 304.13-171 states that an insurer may not charge the insured for a policy or similar fee unless it is specifically filed with and approved by the commissioner.
LA (7/24)	§§ 22:855; 22:1964(19)	Insurance producer, except for life, annuity, and reinsurance policies	Quoted premiums shall include all fees charged. Fees for financial planning may be collected in addition to premium commissions if the fees are based upon a written agreement and signed in advance by the insured. The agreement shall state the services to be performed, the amount of the fee and how it will be calculated, and that the client is under no obligation to purchase any insurance product.
ME (7/24)	24-A M.R.S.A. §§ 1420-L; 1450  24-A M.R.S.A § 1466	Insurance producer  Property/casualty and health/life consultant	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this subchapter at the time of the sale, solicitation or negotiation and was so licensed at that time.  Property/casualty producer may not charge a consultant fee and receive or share in any commission for the sale of insurance as a producer on any policy or certificate of insurance unless the advice given by the producer for the insurance occurs at least 12 months before or after the period of employment as a consultant as specified in the contract. A life and health consultant may charge a consulting fee and receive commissions for the sale of insurance as an insurance producer if both the consulting fee and the insurance commissions are provided for in a written agreement, in a form approved by the superintendent, signed by the client and the consultant.
MD (7/24)	§ 27-216	Insurance producer	May not willfully collect a premium or charge for insurance that exceeds or is less than the premium applicable to that insurance under the applicable classifications and rates as filed with and approved by the commissioner. Does not prevent an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in replacing insurance in an insurer if commissions are not payable by the insurer, or a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund.

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MA (7/24)	No provision		
MI (7/24)	§ 500.1915	Surplus lines licensee	For a surplus lines insurance policy, a licensee may charge a fee in addition to a commission only if the fee is not included in the premium and the fee is reasonable to cover underwriting and other expenses that are unique to surplus lines. For a personal lines insurance policy, a licensee may charge a fee not to exceed the greater of \$100 or 10% of the personal lines insurance policy premium. For surplus lines and personal lines, the fee must not be excessive or discriminatory. The licensee shall maintain complete documentation of all fees charged and evidence of the disclosure. The fee must be fully disclosed in detail to the insured in writing before the sale. The fee must be separately itemized. The fee must not be included as a part of the policy premium in the computation of premium taxes.
	§ 500.1240	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this state if the person was required to be licensed under this chapter at the time of the sale, solicitation or negotiation and was licensed at that time.
MN (7/24)	§ 60K.46	Insurance producer	No person shall charge a fee for any services rendered in connection with the solicitation, negotiation, or servicing of any insurance contract unless: 1) before rendering the services, a written statement is provided disclosing: i) the services for which fees are charged; ii) the amount of the fees; iii) that the fees are charged in addition to premiums; and iv) that premiums include a commission; and 2) all fees charged are reasonable in relation to the services rendered. A duly licensed producer may pay commissions or assign or direct that commissions be paid to a partnership of which the producer is a member, employee, or agent, or to a corporation of which the producer is an officer, employee, or agent.
	§ 60K.48	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this state if the person was required to be licensed under sections 60K.30 to 60K.56 at the time of the sale, solicitation, or negotiation and was so licensed at that time.
MS (7/24)	§ 83-17-73	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this article at the time of the sale, solicitation or negotiation and was so licensed at that time.
MO (7/24)	§ 375.116	Insurance producer	No insurance producer shall have any right to compensation other than commissions deductible from premiums on insurance policies or contracts unless the right to compensation is based upon a written agreement between the insurance producer and the insured specifying or clearly defining the amount or extent of the compensation.

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MT (7/24)	§ 33-17-511	A person licensed as an insurance consultant	May not receive a fee for examining, appraising, reviewing, or evaluating an insurance policy, bond, annuity or pension or profit-sharing contract, plan or program or for making recommendations or giving advice with regard to any of the above unless the compensation is based upon a written memorandum signed by the party to be charged and specifying the amount or extent of the compensation.
	§ 33-17-1103	Insurance producer	An insurer or insurance producer may not pay, directly or indirectly, a commission, service fee, brokerage fee, or other valuable consideration to a person for services as an insurance producer unless the person performing the service holds a valid license with regard to the kind or kinds of insurance for which the service was rendered at the time the service was performed. This section does not prevent payment or receipt of renewal or other deferred commissions to or by a person entitled to receive the payment under this section.
NE (7/24)	§ 44-354	Insurance company or insurance producer	It is unlawful to include in the sum for consideration in any insurance policy, any fee, compensation, charge, or perquisite not specified in the policy.
	§ 44-4060	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this state if the person was required to be licensed under the act at the time of the sale, solicitation, or negotiation and was so licensed at that time.
NV (7/24)	§ 685A.155	Surplus lines broker	Broker may charge a fee for procuring surplus lines coverage. Unless provided by agreement, the sum of the fee and any other commissions, fees and charges payable to the broker must not exceed 20% of premium paid by the insured.
	§ 683C.060	Insurance consultant	In advance of rendering any service, a written agreement on a form approved by the commissioner must be prepared by the insurance consultant and must be signed by both the consultant and the client. The agreement must outline the professional services to be provided by the consultant and state the fee for those services.
	§ 683A.361	Insurance producer	Commissions for renewal and other deferred commissions may be paid to a person whose activities required him to be licensed under this title at the time of the sale, solicitation, or negotiation and he was so licensed at that time. A producer of insurance shall not accept a commission from an insurer for selling, soliciting or negotiating insurance in this state unless the producer of insurance is appointed as an agent of the insurer as provided in NRS 683A.321.

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NH (7/24)	§ 402-J:13; Bulletin 15-003-AB	Insurance producer	Renewal or other deferred commission may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this chapter at the time of the sale, solicitation, or negotiation and was so licensed at that time.
NJ (7/24)	NJAC 11:17B-3.1	Insurance producer	Any insurance producer charging a fee to an insured shall first obtain a written agreement, which shall be separate from all other agreements and applications, and shall contain the following provisions and no other provisions: 1) a clear statement of the fee amount to be charged and the service to be provided; 2) a statement that such fees are not a part of the premium charged by the insurance company and that such fees can be charged only if the insured or prospective insured so consents in writing; 3) a clear statement as to whether a commission will be received; and 4) the signature of the insured or prospective insured and the licensed producer and the date of execution of the agreement.  The fee shall bear a reasonable relationship to the services provided and shall not be discriminatory.
	NJAC 11:17B-3.2	Insurance producer	An insurance producer may charge a fee for services rendered in the sale or service of personal lines property/casualty or personal lines surplus lines insurance subject to the conditions set forth in the regulation. No insurance producer may charge a service fee for services rendered in the sale or service of life or health insurance.
NM (7/24)	§ 59A-12-28	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under Chapter 59A, Article 12 NMSA 1978 at the time of the sale, solicitation or negotiation and was so licensed at that time.
	§ 59A-12-29	Insurance producer	When any insurance producer or any affiliate of the insurance producer receives any compensation from a customer for the placement of insurance or represents the customer with respect to that placement, neither that insurance producer nor the affiliate shall accept or receive any compensation unless the producer obtains the customer's documented acknowledgment and disclosed the amount of compensation from the insurer or other third party for the placement, prior to the customer's purchase of insurance.
NY (7/24)	Ins. Law § 2119	Insurance agent, title insurance agent, broker or consultant	May not receive any fee, commission or thing of value for examining, appraising, reviewing or evaluating any insurance policy, bond, annuity or pension or profit-sharing contract, plan or program or for making recommendations or giving advice with regard to any of the above, unless such compensation is based upon a written memorandum signed by the party to be charged and specifying the amount of such compensation.

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NC (7/24)	§ 58-33-82	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the state if the person was required to be licensed under this article at the time of the sale, solicitation, or negotiation and was licensed at that time.
ND (7/24)	§ 26.1-26-04	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the state if the person was required to be licensed under this chapter at the time of the sale, solicitation, or negotiation and was licensed at that time.
OH (7/24)	§ 3905.55	Insurance agent	<p>May charge a fee if: 1) the fee is disclosed to the consumer; 2) the fee is not calculated as a percentage of premium; 3) the fee is not affected by any commission; 4) the fees are not conditioned on any future event; 5) the agent discloses that the fee is charged by him or her, not the insurance company; 6) the consumer consents; and 7) the agent does not discriminate in charging the fee.</p> <p>Fees may not be charged for private passenger auto, homeowners, individual life, individual sickness, disability income or credit insurance.</p>
OK (7/24)	36 Okl.St. Ann. § 1435.14	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the state if the person was required to be licensed under this act at the time of the sale, solicitation, or negotiation and was licensed at that time.
OR (7/24)	§ 744.091	Insurer or insurance producer	<p>An insurer or insurance producer may charge a commission, a service fee or a combination of the two when transacting insurance in other than the following categories of insurance: 1) insurance that covers an individual's person, property or liability; 2) life or health insurance for groups of fewer than 51 lives; or 3) insurance on a commercial or public entity paying combined annual premiums of less than \$100,000 for the insurance.</p> <p>Must have an agreement with the prospective insured prior to binding the policy.</p>
	§ 744.076	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed as an insurance producer at the time of the sale, solicitation or negotiation and was then so licensed.



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PA (7/24)	40 P.S. § 310.74	Insurance licensee	May charge a fee in addition to a commission to a person for the sale, solicitation, or negotiation of an insurance contract for commercial business. The fee charged shall be disclosed in advance in writing and shall be reasonable in relationship to the services provided.
	40 P.S. § 625-3	Insurance producer	Shall not charge fees, other than commissions, for financial planning unless such fees are based upon a written agreement, signed in advance by the party to be charged, which includes a general description of services, the amount of the fee and how it will be calculated and that the client is under no obligation to purchase any insurance product.
PR (7/24)	26 L.P.R.A. § 949j	Insurance producer	No person shall accept any payment whatsoever as commission or compensation for transacting insurance, including commissions whose payment has been deferred or commissions payable for renewals, unless by the date the same is due said person holds a license issued pursuant to this code for the kind of insurance transacted.
	26 L.P.R.A. § 949k	Insurance producer	The payment of any commission or compensation in addition to the commission calculated and authorized, including but not limited to the payment of contingent commissions, may only be made according to the standards established by the commissioner for such a purpose through rules or regulations. No person may accept as incentive for insurance or in relation to an insurance transaction, commissions in excess of the commission calculated and authorized pursuant to the preceding or accept some other type of prohibited emolument or incentive.
RI (7/24)	§ 27-2.4-15	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this chapter at the time of the sale, solicitation or negotiation and was licensed at that time.
SC (7/24)	§ 38-43-200	Insurance producer	A renewal or other deferred commission may be paid to a person for selling, soliciting, or negotiating insurance in this state if the person was required to be licensed pursuant to the provisions of this chapter at the time of the sale, solicitation, or negotiation and was licensed at that time.
SD (7/24)	§ 58-30-173	Insurance producer	Renewal or deferred commissions approved if license held at time of transaction. Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in this state if the person was required to be licensed under §§ 58-30-141 to 58-30-195, inclusive, at the time of the sale, solicitation, or negotiation and was so licensed at that time.

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TN (7/24)	§ 56-6-113	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this part at the time of the sale, solicitation or negotiation and was so licensed at that time.
TX (7/24)	28 TAC § 19.1318  Ins. § 4005.004	Risk managers  Insurance agents, except reinsurance or surplus lines intermediaries	A risk manager who receives a commission or compensation for services as a property casualty agent may not receive a fee for services related to the same policy placement as a risk manager within a 24-month period without full disclosure in writing of the fee to the insured.  An agent who received compensation from a customer for the placement or renewal of insurance must obtain the customer's documented acknowledgement that the compensation will be received by the agent and provide a description of the method and factors used to compute the compensation.
UT (7/24)	§ 31A-23a-504	Producer, consultant, managing general agent	Commission compensation or other compensation can only be accepted if the producer is explicitly licensed under this chapter to act in Utah as a producer.
VT (7/24)	8 V.S.A. § 4796	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the state if the person was required to be licensed under this chapter at the time of the sale, solicitation, or negotiation and was licensed at that time.
VI (7/24)	22 V.I.R. & Regs. § 1453-16	Medicare supplement agent	An issuer or other entity may provide commission or other compensation to an agent or other representative for the sale of a Medicare supplement policy or certificate only if the first year commission or other first year compensation is no more than 200% of the commission or other compensation paid for selling or servicing the policy or certificate in the second year or period.
VA (7/24)	Va. Code Ann. § 38.2-1812	Insurance agent or surplus lines broker	No person other than a duly licensed and appointed agent or a surplus lines broker may accept any such commission or other valuable consideration unless such person, at the time of the transaction out of which arose the right to such commission or other valuable consideration, held a valid license as an agent or surplus lines broker for the class of insurance involved.  This provision shall not prevent the payment or receipt of renewal or other deferred commissions or compensation to or by any person if the person was duly licensed and appointed, where the appointment was necessary, at the time of the transactions out of which arose the right to such renewals or deferred commissions or compensation.

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WA (7/24)	§ 48.17.270	Insurance producer	May receive a commission paid by the insurer, a fee paid by the insured, or a combination of the two as long as the amounts are fully disclosed in writing and signed by the broker and the insured. The writing must be retained for not less than 5 years.
WV (7/24)	§ 33-12-23	Insurance producer	<p>The entire commission payable by any insurer licensed to transact insurance in this state on any insurance policy shall be paid directly to the licensed individual insurance producer who countersigns the policy. The countersigning individual insurance producer may not pay any part of the commission to any person other than a licensed individual insurance producer: <i>Provided</i>, that the portion of such commission retained by the countersigning individual insurance producer may not be less than 10% of the gross policy premium or 50% of the commission payable by the insurer as provided herein, whichever is the lesser amount.</p> <p>Renewal or other deferred commissions may be paid to a person for selling, soliciting or negotiating insurance in this state if the person was required to be licensed under this article at the time of the sale, solicitation or negotiation and was so licensed at that time.</p>
WI (7/24)	Wis. Stat. § 628.61	Intermediary	This does not prohibit payment of deferred commissions to formerly licensed agent and broker intermediaries.
WY (7/24)	§ 26-9-212	Insurance producer	Renewal or other deferred commissions may be paid to a person for selling, soliciting, or negotiating insurance in the state if the person was required to be licensed under this chapter at the time of the sale, solicitation, or negotiation and was licensed at that time.

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.