



# Hail Insurance Council Bylaws

**Effective January 1, 2007**

Amended 03/2009 Schedule A, Part II, Section 1

Amended 05/2009 Bylaw 7, Section 5; Schedule A, Part II, Section 4

Amended 07/2009 Bylaw 10, Section 2

Amended 10/2009 Schedule C, Part I, Section 1

Amended 01/2010 Schedule C, Part I, Section 1

Amended 07/2011 Schedule A, Part II, Section 3; Schedule A, Part III, Section 3

Amended 09/2016 Bylaw 2, Section 4 (d)

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## BYLAW 1 – HAIL INSURANCE COUNCIL

### Section 1. Composition

The powers, functions and duties delegated by the superintendent shall be exercised by the council composed of:

- (a) seven members with voting rights which shall include a chairperson and a vice-chairperson; and
- (b) the administrator appointed by the voting members, who shall be an ex-officio non voting member.

### Section 2. Eligibility

To be appointed to council as a member with voting rights a person must:

- (a) be a resident of Saskatchewan;
- (b) be committed to the public interest regarding the insurance industry; and
- (c) not be an employee of the council.

### Section 3. Term of Office

(1) The term of office for voting members shall be three years, with the exception of persons appointed by the superintendent, who serve at the pleasure of the superintendent.

(2) A voting member subject to subsection (1) may be reappointed and serve a second three year consecutive term.

(3) To ensure continuity and depth of experience on council, the term of office for a voting member may be extended for a third three year term on approval by a 2/3 majority vote of council.

(4) Subject to the powers of the superintendent over a person appointed by the superintendent, a member of council can be removed from office, prior to the expiration of the term, by the council in accordance with section 5.

### Section 4. Powers and Functions

(1) The council shall carry out the powers, functions and duties delegated to it by the superintendent and defined by *The Saskatchewan Insurance Act* (hereinafter the "Act") and regulations and, without restricting the generality of the foregoing:

- (a) may make bylaws as allowed by the Act and regulations;

- (b) may establish policies to initiate and engage in programs of consumer protection;
- (c) may establish policies for council to serve as a link between the insurance industry and consumers of its products and services;
- (d) shall establish bylaws governing standards of conduct, competence and proficiency of licensees;
- (e) shall establish bylaws governing the ethical, operational, and trade practices for licensees;
- (f) shall establish bylaws governing standards and qualifications for licensing and registration and standards governing additional and continuing training and education for licensees;
- (g) shall establish policies governing the financial affairs of the council including the management of surplus funds;
- (h) shall approve the appropriation, investment and disbursement of council funds;
- (i) shall review for approval the proposed budget of the council according to council policies;
- (j) shall appoint an auditor;
- (k) shall prepare annually an audited financial statement of the operations of the council for the past calendar year, which is the fiscal year of the council;
- (l) shall establish a policy to regularly evaluate the effectiveness of council;
- (m) shall establish a governance policy for the council;
- (n) shall appoint the administrator and authorize the appointment of other employees of the council.

## **Section 5. Removal or Suspension from Office**

(1) Subject to the powers of the superintendent over a person appointed by the superintendent, a member of council whose conduct or activities are detrimental to or incompatible with the functions and policies of the council, may be removed or suspended from office.

(2) Upon written request from three voting members council shall consider the request for suspension or removal of a member.

(3) Notice of Motion for removal or suspension of any member must be given to the member concerned and to all members of the council one month before the council meeting.

(4) The motion to remove or suspend must be supported by at least five voting members of the council.

## **Section 6. Council Meetings**

(1) Meetings of the council shall be called by the chairperson or as arranged by a previous meeting of the council with not less than two meetings in each calendar year.

(2) A quorum of the council shall be the majority of its voting members.

## **Section 7. Chairperson**

(1) The chairperson shall:

- (a) preside over all meetings of the council;
- (b) perform all acts pertaining to this office;
- (c) exercise general control and supervision over the affairs of the council;
- (d) be an ex-officio non-voting member of all council committees; and
- (e) represent council at official functions.

(2) The chairperson shall be a voting member elected annually by a majority of the voting members.

## **Section 8. Vice-Chairperson**

(1) The vice-chairperson shall:

- (a) in the absence of the chairperson, perform the duties of the chairperson; and
- (b) perform such duties as may be assigned by the council or the chairperson.

(2) The vice-chairperson shall be a voting member elected annually by a majority of the voting members.

## **Section 9. Administrator**

(1) The administrator shall be appointed by and be responsible to the council and shall:

- (a) carry out the policies established by council pertaining to the management and administration of the affairs of the council;

- (b) act as treasurer of the council to:
  - (i) ensure that complete and accurate accounts are kept;
  - (ii) make a financial report to the council;
- (c) act as secretary of the council to:
  - (i) keep all records of the council, including a record of all meetings of the council;
  - (ii) notify all members of council and committees of all meetings and send out to members appropriate information and documentation prior to any meeting;
  - (iii) issue all notices required by the Act, the regulations, the bylaws or by resolution of council, except as otherwise directed by council;
- (d) be responsible for employment, assignment and supervision of staff and the administration of salaries;
- (e) act as advisor to the council;
- (f) have custody of the seal, if any, of the council.

## **Section 10. Signing Officers**

- (1) Signing officers shall include a member or members appointed by council, the administrator and one or more appropriate staff as required.
- (2) Cheques shall be co-signed by two signing officers if the amount of the cheque exceeds the amount set by council policy.

## **Section 11. Voting and Parliamentary Authority**

- (1) All questions voted on at a meeting of council shall be decided by a majority of votes of the voting members present. Each voting member shall be entitled to one vote.
- (2) The rules and procedures of the council shall be as established by Perry's Call to Order as amended from time to time.
- (3) The rules and procedures may be amended or suspended at any meeting by a two-thirds majority vote of the voting members present.

## **Section 12. Remuneration**

- (1) Travel, honoraria and other expenses of members of council, committee members and staff who are attending meetings or traveling on council business shall be paid from general funds, in accordance with the policies of council.

(2) The council shall have authority to approve payment of travel, honoraria and other expenses for non-members who are on council business, in accordance with the policies of council.

## **BYLAW 2 – LICENCES**

### **Section 1. Licences, Privileges and Obligations**

- (1) Council may grant the following licences as set out in Schedule A:
- (a) agent licence;
  - (b) salesperson licence;
  - (c) agent or salesperson licence pursuant to section 437 of the Act;
  - (d) adjuster licence;
  - (e) adjuster representative.
- (2) A licence shall be:
- (a) granted to a person who is suitable to be licensed in accordance with the Act, regulations, and bylaws; and
  - (b) granted upon completion of the prescribed application form and payment of the fees.
- (3) A licence entitles a person to the following privileges:
- (a) to conduct insurance business allowed by the licence;
  - (b) to be appointed to council or council committees; and
  - (c) to receive a copy of council documents or news bulletins designated for distribution to licensees.
- (4) A licence imposes on the licensee obligations including but not limited to the following:
- (a) to adhere to the Act, regulations, and bylaws;
  - (b) to follow established standards of competence, conduct and practice in the business of insurance;
  - (c) to notify council within 30 days of:



- (i) the commencement of any criminal proceedings involving the licensee;
  - (ii) the commencement of any professional, occupational or regulatory body proceedings involving the licensee;
  - (iii) the commencement of any other type of legal action for acts such as theft, mishandling of funds, misrepresentation, fraud, conversion, undue influence or breach of trust;
  - (iv) an act of bankruptcy of the licensee; or
  - (v) change of name.
- (d) to immediately notify council of any cancellation or non renewal of the licensee's errors and omissions insurance; (REV. 09/16)
  - (e) to be supervised in accordance with council policies; and
  - (f) to abide by the limitations and conditions that may be attached to the licence in accordance with council policies.

## **Section 2. Effect of Licence Cancellation**

(1) A person whose licence has been cancelled in accordance with the Act, regulations or bylaws shall cease to be a licensee effective the date of cancellation.

## **BYLAW 3 – EDUCATION REQUIREMENTS**

### **Section 1. Education Requirements**

- (1) Council hereby establishes the educational, training and other standards and qualifications required for the licensing of persons for each category and level of licence provided for by council as set out in Schedule A.
- (2) Council hereby establishes continuing education requirements for each category and level of licence as set out in Schedule B.
- (3) Council may only issue a licence to a person who is suitable and:
  - (a) produces evidence establishing to the satisfaction of the council that the person has successfully completed the educational, training and other standards and qualifications required for the category and level of licence, which is the subject of the application; or
  - (b) has obtained the necessary extension or exemption from council.

## **BYLAW 4 – EXAMINATIONS**

### **Section 1. Examinations**

- (1) Council hereby establishes the examinations required for each category and level of licence provided for by council as set out in Schedule A.
- (2) To meet the council administered examination requirements a person must complete the prescribed application forms and pay the prescribed examination fees.
- (3) A person shall be allowed to write each council approved examination the number of times and in the manner as set out in Schedule A.

## **BYLAW 5 – REGISTER AND LICENSING**

### **Section 1. Register**

- (1) The administrator shall, in addition to the requirements for the contents of a register required by the Act and the regulations, record on the register the existence of all disciplinary decisions or orders, court orders of suspension, alternative dispute resolution agreements, undertakings and mediation agreements in accordance with council policy.
- (2) The administrator shall collect the required fee for provision of a certified extract of the register, in accordance with council policy.

### **Section 2. Licensing**

- (1) A person applying for licensing must:
  - (a) meet the requirements for licensing as required by the Act, regulations, and bylaws;
  - (b) complete the prescribed application forms and pay the fees;
  - (c) provide evidence of suitability to be licensed and demonstrate the proposed licensing is not for any reason objectionable; and
  - (d) provide evidence satisfactory to council of having obtained errors and omissions insurance as set out in Schedule A.
- (2) A person who has completed an insurance education program approved, recognized or accepted by council, in addition to meeting the requirements of this section, must:
  - (a) provide evidence satisfactory to council of successful completion of the program; and

- (b) meet the examination requirement for the licence.
- (3) A person who is licensed in another jurisdiction, in addition to meeting the requirements of this section, must provide evidence of equivalent licensing and good standing in that jurisdiction.
- (4) A licence may be granted to a person if:
  - (a) the person meets the requirements of this section; and
  - (b) council is satisfied that the person is suitable and the proposed licensing is not, for any reason, objectionable.
- (5) Council may, at the time a licence is granted or at any time after the licence is granted, impose any limitations and conditions on the licence and may amend, vary or repeal those limitations and conditions or impose new limitations and conditions taking into account:
  - (a) the need to protect the public;
  - (b) the particular circumstances of the applicant/licensee;
  - (c) the category and level of licence;
  - (d) the experience and level of education of the applicant/licensee; and
  - (e) the context of the business to be conducted including the consumer population and the type of service delivery model.
- (6) A licensee shall pay the non-refundable annual fee established by council and complete and file the annual reporting form prescribed by council, on or before the annual reporting date shown on the licence. Where the fee and annual report are not received by the annual reporting date:
  - (a) the licence is continued and a late filing fee shall be assessed;
  - (b) the licence shall be cancelled if the annual fee and late filing fee and report are not received by council within thirty days of the annual reporting date; and
  - (c) all fees, fines, costs or penalties owing shall be paid and the required forms completed and filed before a licence is granted or reinstated.

### **Section 3. Maintaining Eligibility for a Licence**

- (1) In addition to the requirements in section 2, in order to maintain eligibility for licensing a person must, in each annual reporting period, comply with the continuing education requirement as set out in Schedule B.

(2) A licensee who has not maintained eligibility for licensing in accordance with this section shall have his or her licence suspended until such time as the person completes the requisite continuing education.

(3) To be licensed for each subsequent year a person must:

- (a) be suitable;
- (b) maintain eligibility for licensing as set out in the bylaws; and
- (c) complete the prescribed annual reporting form approved by council and submit it with the annual fee within the time prescribed in the bylaw.

(4) A licence may be continued for a person who meets the requirements of this section.

#### **Section 4. Extension of Time to Meet Licence Requirements**

(1) Where a person cannot meet the requirements of the Act, regulations and bylaws for the granting or continuance of a licence within the time prescribed, the person may apply for an extension of time to meet the licence requirements.

(2) Council may grant or continue a licence with an extension of time to meet the requirements where it is satisfied that:

- (a) the application is being made in a timely fashion but not later than 60 days after the expiration of the time requirement;
- (b) all other requirements for granting or continuing the licence have been satisfied including evidence of suitability;
- (c) the delay was beyond the control of the person seeking the extension of time;
- (d) the requirement will be met within the extension of time requested; and
- (e) issuing or continuing the licence with the extension of time is not contrary to the public interest.

(3) Where council grants or continues the licence it may impose limitations or conditions to ensure compliance with the requirement within the extension of time granted.

## **Section 5. Exemption from Meeting Certain Licence Requirements**

- (1) Council may grant or continue a licence where council is satisfied that:
  - (a) a person has the education, professional qualifications, training and work experience that are at least equivalent to the requirements contained in the bylaws for the category of licence and level applied for; or
  - (b) a person has demonstrated that he or she was unable to meet the continuing education requirements due to circumstances that were beyond his or her control; and
  - (c) the person has complied with all other requirements of the bylaws including suitability.

## **BYLAW 6 – FEES**

### **Section 1. Licence and Administration Fees**

- (1) Council hereby establishes licensing and administration fees as set out in Schedule C.

## **BYLAW 7 – COMMITTEES AND SUBDELEGATION OF FUNCTIONS, POWERS AND DUTIES**

### **Section 1. Council Committees**

- (1) A council committee is any committee created by the council.
- (2) Each council committee shall:
  - (a) perform its duties subject to direction of the council;
  - (b) meet as frequently as required to fulfill its terms of reference; and
  - (c) make timely reports to the council on the business of the committee.
- (3) The council shall make all committee appointments and may specify an alternate who may be called upon to complete the term of any committee member who resigns during his/her term of office.
- (4) A policy shall be established to guide the council in appointing licensees to committees.
- (5) Unless the chairperson is elected or named in the bylaws, the council shall identify the chairperson.

- (6) Each committee appointment shall be for a term specified in the policy.
- (7) Each member of the committee shall have voting privileges, unless otherwise specified.
- (8) A quorum for a committee shall be the majority of its voting members, or no fewer than two members, whichever is greater.
- (9) No staff member shall have voting privileges on a committee.

## **Section 2. Required Committees**

- (1) Council hereby establishes the following permanent committees:
  - (a) finance committee;
  - (b) licensing committee; and
  - (c) complaints and investigation committee.
- (2) Council will from time to time establish a discipline committee.

## **Section 3. Finance Committee**

- (1) The finance committee is established by agreement of the General Insurance Council, the Life Insurance Council and the Hail Insurance Council. Each council shall appoint at least one voting member to be its representative. The voting members shall appoint a staff member to be the fourth member of the finance committee.
- (2) The chairperson shall be a voting member selected by the finance committee.
- (3) The powers, functions and responsibilities delegated to the representative on the finance committee are the following:
  - (a) direct the financial affairs of the council;
  - (b) provide communication regarding financial affairs to the council;
  - (c) develop and recommend an annual budget for the council;
  - (d) review and approve the audited financial statement of the council; and
  - (e) direct the investment portfolio of the council.

## Section 4. Licensing Committee

(1) The licensing committee is established by council consisting of two or more persons, at least one of whom is a voting member of the council and the other a staff member appointed by council.

(2) The chairperson shall be a voting member of council.

(3) The powers, functions and responsibilities delegated to the licensing committee by council are:

- (a) on the report in writing from any person, questioning a person's suitability for licensing or alleging that the proposed licensing is for any reason objectionable, to hear and determine whether to grant or refuse a licence pursuant to section 425 or 452 of the Act, subject to subsection 18(1) and section 19 of the regulations;
- (b) on the report in writing from any person, questioning the need for limitations and conditions on a licence, to hear and determine whether to attach limitations and conditions to a licence pursuant to section 429 or 455 of the Act, subject to section 18 and section 19 of the regulations; or
- (c) to hear and determine applications for an extension of time to meet a licence requirement.

(4) When hearing and determining whether:

- (a) an applicant is suitable to be licensed;
- (b) an applicant's licensing is not for any reason objectionable;
- (c) an applicant's licence should contain limitations;
- (d) an applicant's licence should contain conditions; or
- (e) an applicant be granted an extension of time to meet certain requirements;

the licensing committee shall advise the applicant in writing of the concerns or issues it has received or that the committee itself may have and thereafter, allow the applicant or the applicant's legal counsel an opportunity to make written submissions addressing the concerns or issues. The committee shall issue a written decision respecting the application.

(5) When hearing and determining whether:

- (a) a licensee is suitable to continue to be licensed;
- (b) a licensee's licence should contain limitations;

- (c) a licensee's licence should contain conditions;
- (d) limitations or conditions on a licensee's licence shall be varied, amended or repealed; or
- (e) a licensee be granted an extension of time to meet certain requirements;

the licensing committee shall advise the licensee in writing of the concerns or issues it has received or that the committee itself may have and thereafter, allow the licensee and/or the licensee's legal counsel to appear in person at a hearing addressing the concerns or issues. The committee shall issue a written decision respecting the imposition of limitations or conditions or the granting of an extension of time.

- (6) An applicant or a licensee may appeal a decision of the licensing committee to council and the appeal provisions in Bylaw 10 shall apply with the necessary modifications.

## **Section 5. Complaints and Investigation Committee**

- (1) The complaints and investigation committee is established by council consisting of two or more persons, at least one of whom is a voting member of the council and the other a staff member appointed by council.
- (2) The chairperson shall be a voting member of council.
- (3) The powers, functions and responsibilities delegated to the complaints and investigation committee by council, upon the report of any person alleging that a licensee may be involved in misconduct or is incompetent are to:
  - (a) determine if the report is frivolous or vexatious and if so, dismiss it;
  - (b) resolve the complaint by negotiating a consensual resolution, agreement and/or undertaking that may include one or more of the following conditions:
    - (i) licence suspension;
    - (ii) payment of a fine in a specified amount not exceeding \$5,000 for each finding of non-compliance and \$15,000 in the aggregate for all findings of non-compliance;
    - (iii) payment of the costs of any investigation;
    - (iv) specified training or counseling;
    - (v) acceptance of a letter of warning; or
    - (vi) any other terms that serve to protect the public interest; or (REV. 05/09)



- (c) decide whether a discipline committee should hear the matter.
- (4) The committee may investigate the matter by taking any necessary steps and may employ, at the expense of the council, any legal or other assistance that it considers necessary.
- (5) When appropriate, the committee shall require that a licensee appear before the discipline committee to answer to an allegation of misconduct or incompetence.
- (6) No member of the complaints and investigation committee which investigated the complaint against the person who is the subject of the hearing shall be a member of the discipline committee, or hear an appeal to council.

## **Section 6. Discipline Committee**

- (1) The discipline committee when established by council shall consist of three or more persons, at least one of whom shall be a voting member of council. The other persons shall be selected from a roster of licensees approved by council to serve on the discipline committee.
- (2) The powers, functions and responsibilities delegated to the discipline committee by council are as set out in Bylaw 10.
- (3) The chairperson of the discipline committee shall be a voting member of council.
- (4) In the event the discipline committee's decision or order is appealed to council, no member of council on the discipline committee shall participate in the appeal.

## **BYLAW 8 – MISCONDUCT**

- (1) For the purpose of the Act, regulations and bylaws, misconduct is a question of fact but includes any matter, conduct or thing, whether or not disgraceful or dishonorable, that is:
  - (a) contrary to the best interests of the consumer or licensees or insurance companies; or
  - (b) may harm the standing of licensees in the insurance industry.
- (2) Without restricting the generality of subsection (1), a licensee may be guilty of misconduct if the licensee:
  - (a) engages in any practice that is coercive or has the intended effect of inducing a consumer to making a decision that is not in the best interests of the consumer;
  - (b) demonstrates an unsuitability or an untrustworthiness to act as a licensee;

- (c) in the course of promoting, selling or servicing insurance business, provides in any advertising or other communications information that is false or misleading;
- (d) makes a material misstatement in an application for licence or report to continue a licence;
- (e) rebates or offers to rebate all or any portion of an insurance premium;
- (f) gives or offers to give anything of value for the purposes of inducing a consumer to make an insurance decision;
- (g) violates any provision of the Act, the regulations or the bylaws;
- (h) fails to place the interests of the consumer before those of the licensee or others;
- (i) fails to reasonably ascertain through prudent fact gathering a consumer's insurance needs;
- (j) fails to ensure that a consumer or insurer is fully informed of all relevant information that will allow the consumer or the insurer to make an informed decision;
- (k) fails to reasonably carry out a consumer's lawful instructions;
- (l) fails to disclose to a consumer or insurer any conflict of interest that may exist;
- (m) fails to protect a consumer's personal information or divulges personal information about a consumer unless authorized to do so by the consumer or as required by law;
- (n) fails to disclose to a consumer in writing any fees charged, the amount of the fees, and the reasons for the fees over and above the premium set in the policy by an insurer;
- (o) fails to deal with consumer complaints or disputes or refer the consumer to the appropriate person or authority or process in a timely and forthright manner;
- (p) fails to maintain proper records;
- (q) fails to follow sound business practices;
- (r) fails to exercise reasonable and prudent oversight and review when acting in a supervisory capacity;
- (s) fails to reasonably respond to inquiries from council;

- (t) fails when acting as an adjuster or an adjuster's representative, to adjust crop hail insurance claims using established crop adjusting procedures set out in a current version of a crop hail adjuster manual, that has been approved by council.

## **BYLAW 9 – INCOMPETENCE**

(1) For the purposes of the Act, the regulations and the bylaws, incompetence is a question of fact, but includes the display by a licensee of a lack of knowledge, skill or judgment of a nature or to an extent that the licensee is unfit to continue in the business of insurance or to provide one or more services ordinarily provided as part of the business of insurance.

## **BYLAW 10 – DISCIPLINE PROCESS**

### **Section 1. Discipline Hearing**

(1) The complaints and investigation committee on requiring that a licensee appear before the discipline committee shall, at least thirty days prior to the date the discipline committee is to sit, send to the licensee and the discipline committee:

- (a) a notice of the hearing;
- (b) the date, time and place of the hearing; and
- (c) the specifics of the complaint alleging a breach of the Act, the regulations or the bylaws.

(2) The discipline committee on receipt of a notice of hearing may request that the complaints and investigation committee and the licensee submit a statement of agreed facts to the discipline committee prior to the hearing.

(3) No member of the complaints and investigation committee shall be a member of the discipline committee.

(4) The complaints and investigation committee may at the hearing submit to the discipline committee evidence respecting the complaint.

(5) The discipline committee may employ, at the expense of the council, any legal or other assistance that it considers necessary, and the licensee may at his or her own expense be represented by counsel or an agent.

(6) The testimony of witnesses shall be under oath.

(7) The discipline committee may accept any evidence it considers appropriate and is not bound by rules of law concerning evidence.

(8) At a hearing by the discipline committee, there is to be full right to examine, cross examine and re-examine all witnesses and full right to submit evidence in defense and reply.

(9) Where the licensee fails to attend the hearing, the discipline committee may, on proof of service of the notice mentioned in subsection (1), proceed with the hearing in the absence of the licensee.

(10) The discipline committee may, either in the absence of the licensee or with the licensee's consent, accept evidence by affidavit.

(11) The discipline committee shall hear the complaint and shall decide whether or not the licensee is guilty of misconduct or incompetence.

(12) A decision or order of the majority of the discipline committee is the decision or order of the discipline committee.

(13) The discipline committee shall issue a written decision or order with reasons.

(14) The decision or order of the discipline committee shall be signed by the chairperson with dissenting votes and reasons for dissent recorded.

## **Section 2. Discipline Committee Powers**

(1) Where the discipline committee finds a licensee guilty of misconduct or incompetence, it may:

- (a) order that the licensee's licence be cancelled;
- (b) order that the licensee's licence be suspended for a specified period;
- (c) order that the licensee pay to the council within a fixed period a fine in a specified amount not exceeding \$5,000 for each finding and \$15,000 in the aggregate for all findings;
- (d) order that the licensee pay to the council within a fixed period the costs of the investigation and hearing into the licensee's conduct and related costs, including the expenses of the complaints and investigation committee and the discipline committee and the costs of legal services and witnesses;
- (e) order that if a licensee fails to make payment in accordance with an order pursuant to clauses (c) or (d) the licensee's licence be suspended;
- (f) order that the licensee make restitution of premiums or deposits;
- (g) order that the licensee may continue to hold the licence but only under conditions specified in the order which may include, but are not restricted to, an order that the licensee:

- (i) be subject to conditions and/or limitations;
  - (ii) not offer or provide specified types of services or advice;
  - (iii) successfully complete specified classes or courses of instruction;
  - (iv) obtain treatment, counseling or both;
- (h) reprimand the licensee; or
- (i) make any other decision or order that seems just. (REV. 07/09)

(2) A licensee who has been convicted under an act or other legislation of Saskatchewan or of another jurisdiction, may have his or her licence cancelled by an order of the discipline committee, if after hearing the matter and considering the facts on which the licensee was convicted, the committee finds that the conduct of the licensee giving rise to the conviction makes the licensee unsuitable to continue to hold a licence.

(3) A licensee who has been disciplined by a professional, occupational or regulatory body, may have his or her licence suspended or cancelled by an order of the discipline committee, if after hearing the matter and considering the facts on which the licensee was disciplined, the committee finds that the conduct of the licensee giving rise to the discipline makes the licensee unsuitable to continue to hold a licence.

(4) The discipline committee shall send a copy of the decision or order to the licensee who is the subject of the decision or order and to the person, if any, who made the report, as well as any other person established by council policy.

(5) Where a licence is cancelled or suspended, the administrator shall strike the name of the licensee from the register or indicate the suspension on the register, as the case may be.

### **Section 3. Appeal**

(1) A licensee who has been found guilty by the discipline committee or who has had his or her licence suspended or cancelled may:

- (a) appeal the decision or order of the discipline committee within thirty days of the decision or order to the council by serving the administrator with a copy of the notice of appeal; or
- (b) elect to appeal the discipline committee's decision or order, or the council's decision or order on the appeal, to the superintendent of insurance pursuant to subsection 466.1 (7.1) of the Act.

(2) An appellant appealing to council shall set out all grounds in the notice of appeal on which the appeal is based including:

- (a) (i) the nature of any error alleged in the disciplinary committee's decision or order; and
  - (a) (ii) the specific grounds on which it is alleged that an error exists;
  - (b) in summary form, the material facts on which the appellant relies; and
  - (c) an address for the appellant for service of documents relating to the appeal.
- (3) On receipt of a notice of appeal, the administrator shall file with the council a true copy of:
- (a) the notice of hearing;
  - (b) the notice of appeal;
  - (c) the discipline committees decision or order.
- (4) Where, in the opinion of council, a person fails to provide information required pursuant to subsection (2), the council may, at any time before determining the appeal, require the person to provide the information within a specified time, and, if the person does not provide the information within that time, the council may dismiss the appeal.
- (5) Upon receiving a notice of appeal, the council shall promptly fix a date for the appeal.
- (6) Upon receiving a notice of appeal pursuant to subsection (1), the administrator shall promptly provide to the council a copy of:
- (a) the decision or order that is the subject of the notice of appeal and any reasons for the decision or order provided to the appellant by the disciplinary committee;
  - (b) any information, evidence or material the disciplinary committee relied on or considered in making the decision or order that is the subject of the notice of appeal; and
  - (c) the transcript of the hearing conducted by the disciplinary committee respecting the decision or order that is the subject of the notice of appeal.
- (7) The administrator shall upon request provide to the appellant or the appellant's counsel or representative a copy of the documents provided to the council pursuant to subsection (6) where the appellant or the appellant's counsel or representative pays to the council the reasonable costs of reproducing the copies.
- (8) The appeal shall be heard by at least three members of council eligible to hear the appeal.
- (9) Subject to subsection (10), the council shall determine the appeal on the basis of:

- (a) the materials provided pursuant to subsection (6);
- (b) the notice of appeal; and
- (c) any information provided pursuant to subsection (4).

(10) Where the appellant or the appellant's counsel presents further evidence during the hearing of an appeal:

- (a) the council may, in appropriate circumstances:
  - (i) consider the further evidence;
  - (ii) exclude the further evidence;
  - (iii) direct a new hearing by the disciplinary committee on the basis of the further evidence and the materials mentioned in subsection (6); or
  - (iv) direct further inquiries by the disciplinary committee; and
- (b) the complaints and investigation committee may request that the council exclude the evidence and the council may, in appropriate circumstances, do any of the things mentioned in sub clauses (a), (i) to (iv).

(11) In hearing an appeal, the council may:

- (a) dismiss the appeal;
- (b) quash the finding of guilt;
- (c) direct a new hearing or further inquiries by the discipline committee;
- (d) vary the order of the discipline committee; or
- (e) substitute its own decision for the decision of the discipline committee.

(12) A decision of the majority of the council pursuant to subsection (10) is a decision of the council.

(13) The complaints and investigation committee is entitled to be heard, by counsel or otherwise, at a hearing of an appeal and on an application pursuant to subsection (14).

(14) The council shall provide the appellant and the complaints and investigation committee with a decision, in writing, including the reasons for the decision.

(15) The commencement of an appeal pursuant to this section does not stay the effect of the decision or order appealed from, but, on five days' notice to the complaints and investigation committee the appellant may apply to the council for a stay of the decision or order pending the disposition of the appeal.

# SCHEDULE A

## PART I

### Section 1. Interpretation

- (1) In this schedule:
- (a) "adjusting firm licence" means an adjuster licence granted to any person that uses a business name, or is a partnership or is a corporation;
  - (b) "agency licence" means an agent licence granted to a person that uses a business name, or is a partnership or is a corporation;
  - (c) "designated licensee" means the person identified to council by the agency or adjusting firm in an application or report to council;
  - (d) "licensee" means a holder of a licence issued by council;
  - (e) "management" includes direction and/or control of the operations of an insurance agency or adjusting firm or an office location of an agency or adjusting firm;
  - (f) "office location" means an actual physical office to which the public can attend and conduct business;
  - (g) "resident" means an individual who resides predominately in Saskatchewan;
  - (h) "supervision" means reasonable and prudent oversight of insurance transactions;
  - (i) "transaction" includes any act, advertisement, or other conduct that pertains to the offering of or the sale of insurance.



# SCHEDULE A

## PART II

### Section 1. Requirements for a Hail Insurance Agent/Salesperson Licence

(1) A person applying for a licence must, if a resident of Saskatchewan, successfully complete the Hail Agent/Salesperson Qualification examination. (REV. 03/09)

### Section 2. Limitation on Examination Attempts

(1) A person is allowed to attempt each examination identified in the bylaws a maximum of three times in any six month period. Examination attempts made in any jurisdiction during the same six month period shall be counted in the three attempts.

### Section 3. Requirements for a Hail Insurance Agency Licence

(1) An agency must provide evidence that the agency is registered with the Corporate Registry of the Information Services Corporation. (REV. 07/11)

(2) An agency must designate one licensee who is employed predominately by the agency to be responsible for the overall management and supervision of the agency and its office locations.

(3) Failure to designate a licensee who is responsible for the overall management and supervision of the agency or its office locations may result in the suspension of the agency's licence.

### Section 4. Requirements for Errors and Omissions Insurance

(1) An agency or an agent sponsored by an insurer or managing general agent shall maintain and provide annually proof of a valid policy of errors and omissions insurance that meets the following requirements:

- (a) a minimum of \$250,000 coverage and a minimum aggregate limit of \$500,000;
- (b) be broad enough to cover all insurance products which the licensee is licensed to sell as defined by The Saskatchewan Insurance Act; and
- (c) be underwritten by an insurance company licensed to do business in Canada. (REV. 05/09)

(2) Failure by a licensee to immediately notify council in the event of a cancellation or non renewal of their errors and omissions insurance is misconduct.

## SCHEDULE A

### PART III

#### **Section 1. Requirements for a Hail Adjuster/Hail Adjuster Representative Licence**

(1) A person applying for a licence must successfully complete the Hail Adjuster Examination approved and administered by the Hail Insurance Council of Saskatchewan.

#### **Section 2. Limitation on Examination Attempts**

(1) A person is allowed to attempt each examination identified in the bylaws a maximum of three times in any six month period. Examination attempts made in any jurisdiction during the same six month period shall be counted in the three attempts.

#### **Section 3. Requirements for a Hail Adjusting Firm Licence**

(1) An adjusting firm must provide evidence that the adjusting firm is registered with the Corporate Registry of the Information Services Corporation. (REV. 07/11)

(2) An adjusting firm must designate one licensee who is employed predominately by the adjusting firm to be responsible for the overall management and supervision of the adjusting firm and its office locations.

(3) Failure to designate a licensee who is responsible for the overall management and supervision of the adjusting firm or its office locations may result in the suspension of the adjusting firm's licence.

## **SCHEDULE B**

### **PART I**

#### **Section 1. Continuing Education Requirements for a Hail Adjuster/Hail Adjuster Representative Licensee**

- (1) Licensees are required to earn a minimum of six credit hours of continuing education every two years.
- (2) Credit hours must be earned within a two year reporting period, which commences upon licensing.
- (3) Excess credit hours earned in a two year reporting period are not eligible for carry over in to the next reporting period.
- (4) Failure to comply with the continuing education requirements shall result in a suspension of licence until the licensee has earned the required continuing education credit hours.

#### **Section 2. Definition of Continuing Education**

- (1) Continuing education for a Hail Adjuster licensee must be directly related to adjusting crop hail insurance or other crop hazards.
- (2) Courses, programs or meetings related to sales production, promotion, motivation or computer training do not qualify for credit hours.

#### **Section 3. Reporting Requirement for Licensees**

- (1) Licensees must file an annual report stating the continuing education courses they have attended.
- (2) Licensees must retain certificates issued by course provider(s) for inspection by council in the event of an audit of the licensee's records by council.

#### **Section 4. Accredited Course Providers**

- (1) Council may grant, at its sole discretion, accredited course provider status to providers of crop hail insurance or adjusting training.
- (2) Council shall set guidelines to be used for obtaining accredited course provider status.
- (3) Council may at any time withdraw accredited course provider status by providing notice of and reasons for withdrawal to the course provider.

## **Section 5. Conditions of Course Credit**

- (1) Council reserves the right to audit any course for which credit has been approved and to withdraw approval of credit hours awarded.
- (2) Where council directs that approval of a course be withdrawn, council shall provide reasons for the withdrawal of accreditation noting the deficiencies to the person or firm having made the original application for accreditation.

## **Section 6. Non-accredited Course Providers or Licensees**

- (1) Non-accredited course providers or licensees must apply for course approval.
- (2) Council may, at its sole discretion after receiving an application for course approval, grant or refuse credit hours with respect to a course provided by a non-approved course provider.

## **Section 7. Non-resident Licensees**

- (1) Non-resident licensees are required to comply with the continuing education requirements in this schedule unless they can provide evidence they are complying with a continuing education requirement in their resident jurisdiction.

# SCHEDULE C

## PART I

### Section 1. Annual Licence Fees

(1) The fees are:

(a)	Hail Adjusting Firm Licence	\$75
(b)	Hail Adjuster Representative Licence	\$50
(c)	Hail Adjuster Licence	\$70
(d)	Hail Agency Licence	\$75
(e)	Hail Agent/Salesperson Licence (REV. 10/09, 01/10)	\$50

### Section 2. Late Filing Fees

(1) A licensee who fails to file the annual report on or before the annual reporting date shall be assessed, in addition to the annual fee, a late filing surcharge equal to 50 per cent of the annual fee.

### Section 3. Administration Fees

(1) An administration fee of \$25 shall be charged for:

- (a) certificate of licence status.
- (b) non-resident endorsement used to apply for licensing in another jurisdiction.
- (c) transfer of sponsorship from one sponsor to another.
- (d) reinstatement of a licence.
- (e) duplicate receipt.
- (f) duplicate licence.
- (g) cheques returned to Council.
- (h) deletion or addition of licence class to an existing licence.
- (i) change to a licence that may be required to ensure compliance with the requirements of The Saskatchewan Insurance Act or Council's bylaws.

#### **Section 4. Denial of Licence**

(1) An administration fee of \$50 shall be retained where an application for licence has been denied by Council.

#### **Section 5. Licence Fees Non-refundable**

(1) A refund of an annual fee shall not be made once a licence has been issued.