

Notification of the Insurance Commission

Re: Criteria for a Non-life Insurance Agent's, a Non-life Insurance Broker's, or a Company's Employee's Sales Offering Methods and Duty Performance in relation to the 200 Individual Insurance (Microinsurance) Policy and the Motor Vehicle Victim Protection Insurance Policy,
B.E. 2556 (2013)

By virtue of Section 16, paragraph two, Section 37 (6), (8), Section 49, Section 65, paragraph two, Section 65/2, and Section 68, paragraph two, of the Non-life Insurance Act B.E. 2535 (1992), as amended by the Non-life Insurance Act (No. 2) B.E. 2551 (2008), together with the resolution adopted at the Insurance Commission's Meeting No. 9/2013 on 19 July 2013, the Insurance Commission prescribes this Notification as follows:

Clause 1 This Notification shall be called the "Notification of the Insurance Commission Re: Criteria for a Non-life Insurance Agent's, a Non-life Insurance Broker's, or a Company's Employee's Sales Offering Methods and Duty Performance in relation to the 200 Individual Insurance (Microinsurance) Policy and the Motor Vehicle Victim Protection Insurance Policy, B.E. 2556 (2013)."

Clause 2 This Notification shall take effect from the date of notification onwards.

Clause 3 In this Notification,

"Office" means the Office of the Insurance Commission;

"Registrar" means the Secretary-General of the Insurance Commission or any person designated by the Secretary-General of the Insurance Commission;

"Company" means a company that has been granted a license to operate a non-life insurance business under the law on non-life insurance, and shall include a foreign non-life insurance company's branch that has been granted a license to operate a non-life insurance business in the Kingdom of Thailand;

"Head Office" shall include a foreign non-life insurance Company's branch that has been granted a license to operate a non-life insurance business in the Kingdom of Thailand;

“Branch Office” means a Company’s branch office pursuant to the notification of the Insurance Commission issued by virtue of Section 16, paragraph two, of the Non-life Insurance Act B.E. 2535 (1992), as amended by the Non-life Insurance Act (No. 2) B.E. 2551 (2008);

“Automated Vending Machine”, means a machine that sells a Company’s insurance policies, the permission for an installation of which is granted by the Registrar under Section 16 of the Non-life Insurance Act B.E. 2535 (1992), as amended by the Non-life Insurance Act (No. 2) B.E. 2551 (2008);

“Non-life Insurance Agent” means a person assigned by a Company to induce another person to enter into an insurance contract with the Company;

“Non-life Insurance Broker” means a person, in consideration of a certain commission, indicating the opportunity or arranging for the conclusion of an insurance contract between the Company and another person.

“200 Individual Insurance (Microinsurance) Policy” means an insurance policy approved by the Registrar and marked with the term “200 Individual Insurance (Microinsurance) Policy” on the face of the insurance schedule or certificate of insurance;

“Motor Vehicle Victim Protection Insurance Policy” means an insurance policy issued under the law on protection for motor vehicle victims.

Clause 4 The 200 Individual Insurance (Microinsurance) Policy Sales Offering shall be conducted in compliance with the provisions of this Notification and other notifications of the Insurance Commission. In a case of conflict between such other notifications and this Notification, the latter shall prevail.

Clause 5 The 200 Individual Insurance (Microinsurance) Policy sales offering shall be conducted:

- (1) by a Company’s officer at its Head Office or Branch Office;
- (2) by a Company through its Automated Vending Machines;
- (3) by a Non-life Insurance Broker;
- (4) by a Non-life Insurance Agent, a Non-life Insurance Agent for health and personal accident products, or a Non-life Insurance Agent for microinsurance; or
- (5) by a Non-life Insurance Agent for insurance that provides coverage under the Protection for Motor Vehicle Victims Act, who has passed a training on the 200 Individual Insurance (Microinsurance) Policy as arranged by the Company.

Clause 6 The Motor Vehicle Victim Protection Insurance Policy sales offering shall be conducted:

(1) by a Company's employee at its Head Office or Branch Office;

(2) by a Company through its Automated Vending Machines;

(3) by a Non-life Insurance Broker;

(4) by a Non-life Insurance Agent, or a Non-life Insurance Agent for insurance that provides coverage under the Protection for Motor Vehicle Victims Act; or

(5) by a Non-life Insurance Agent for health and personal accident products or a Non-life Insurance Agent for individual customers, who has passed a training on the Motor Vehicle Victim Protection Insurance Policy as arranged by the Company.

Clause 7 The provisions of Clause 6, paragraph two, and Clause 12, paragraph two of the Notification of the Insurance Commission regarding Criteria and Conditions for the Issuance and the Renewal of Non-life Insurance Broker Licenses to Juristic Persons, B.E. 2554 (2011) shall apply *mutatis mutandis* to a Non-life Insurance Broker's sales offering pursuant to Clause 5 (3) and Clause 6 (3).

Clause 8 For the purpose of entering into an insurance contract, a Company shall ensure that a sales offeror obtains from an insurance coverage applicant all information necessary for underwriting an insurance pursuant to Clause 5 or Clause 6, as the case may be.

Upon receipt of complete information and insurance premium payments, the sales offeror pursuant to Clause 5 shall ensure that a document evidencing the Company's receipt of payment and a certificate of insurance are duly issued.

A sales offeror pursuant to Clause 6 shall ensure that a document evidencing the Company's receipt of payment and a Motor Vehicle Victim Protection Insurance Policy are duly issued.

The Company shall issue the 200 Individual Insurance (Microinsurance) Policy at the insured's request.

A document evidencing the Company's receipt of payments shall contain, at a minimum, the Company's name, the insured's name, and the insured's national identification number.

A certificate of insurance pursuant to paragraph two and an insurance policy pursuant to paragraph three shall be in the form and with the wording as prescribed by the Registrar.

[Translation]

Clause 9 A Company's report on its underwriting of the 200 Individual Insurance (Microinsurance) Policy shall be submitted to the Office in compliance with the form, criteria, procedures, conditions, and periods as prescribed by the Registrar.

Notified on this 30th day of September B.E. 2556 (2013).

Areepong Bhoocha-Oom

Permanent Secretary, Ministry of Finance

Chairman of the Insurance Commission