

Content

Title :	Regulations Governing Insurance Surveyors <b>Ch</b>
Date :	2014.06.24
Legislative :	<p>1.Full 45 articles promulgated and enforced 8 December 2003 per Ministry of Finance Order Taiwan-Finance-Insurance No. 0920752070.</p> <p>2.Amended on September 27, 2005.</p> <p>3.Amended on April 24, 2007.</p> <p>4.Amended on February 4, 2010.</p> <p>5.Amendment to full text of 46 articles promulgated per Financial Supervisory Commission Order No. Jin-Guan-Bao-Li-Zi-10002545321 dated February 25, 2011 and implemented on the date of promulgation.</p> <p>6.Amendment to Articles 1, 15, 18~21, 34, 37, 41, 42 and deletion of Article 6 promulgated per Financial Supervisory Commission Order No. Jin-Guan-Bao-Li-Zi-10002660381 dated December 29, 2011.</p> <p>7.Amendment to Articles 17 and 36 promulgated per Financial Supervisory Commission Order No. Jin-Guan-Bao-Zong-Zi- 10102573201 dated December 28, 2012.</p> <p>8.Amendment and full text of 47 articles promulgated per order of Financial Supervisory Commission No. Jin-Guan-Bao- Zong-Zi-10302565241 dated June 24, 2014; the articles enter into force on the date of promulgation.</p>
Content :	<p>Chapter 1 General Provisions</p> <p>Article 1</p> <p>These Regulations are adopted pursuant to paragraph 4 of Article 163 of the Insurance Act.</p> <p>Article 2</p> <p>The term “insurance surveyor” (hereinafter, “surveyor” ) as used in these Regulations means “surveyor” as defined in Article 10 of the Insurance Act.</p> <p>The term "independent surveyor" as used in these Regulations shall mean a person who practices insurance surveyor business in his or her own name.</p> <p>The term " surveyor company" as used in these Regulations shall mean a company operating insurance surveyor business in the capacity of a corporate organization.</p> <p>Article 3</p> <p>A surveyor who has not obtained a practice license in accordance with these Regulations shall not practice.</p> <p>Article 4</p> <p>Surveyors are divided into general surveyors and marine surveyors.</p> <p>A “general surveyor” means a person who collects fees from insurers or the insured, and on behalf thereof inspects, assesses, and appraises the subject-matter insured of non-marine insurance, adjusts and negotiates claims, and gives attestation thereof.</p> <p>A “marine surveyor” means a person who collects fees from insurers or the insured, and on behalf thereof inspects, assesses, and appraises the subject-matter insured of marine insurance, adjusts and negotiates claims,</p>

and gives attestation thereof.

## Chapter 2 Qualifications and Conditions

### Article 5

A surveyor shall possess one of the following qualifications:

1. Has passed the Examination for Professionals and Technical Personnel in the category of surveyor;
2. Has previously passed a surveyor qualification test held by the competent authority;
3. Has previously obtained a surveyor practice license and practiced thereunder;
4. Holding a document evidencing having passed the Examinations for Professionals and Technical Personnel in the category of technician and having practiced for not less than 5 years;
5. Has previously served as captain of a ship with gross tonnage of not less than 10,000 tons for not less than 5 years; and
6. Has previously granted a foreign surveyor practice license or certification of qualification recognized by the competent authority.

A person possessing the qualifications specified in subparagraph 3 of the preceding paragraph shall be restricted to practicing the same type of business. A person possessing the qualifications specified in subparagraph 4 of the preceding paragraph may practice surveyor business that is related to the person's own field only. A person possessing the qualifications specified in subparagraph 5 or 6 of the preceding paragraph may practice marine insurance surveyor business only.

### Article 6

A person having any of the following situations may not serve as a surveyor or act as a responsible person of a surveyor company:

1. Having no legal capacity or limited legal capacity or subject to the court order of commencement of assistance and such order has not been revoked.
2. Having committed a crime under the Organized Crime Prevention Act, and has been found guilty by a final and unappealable judgment.
3. Having been sentenced to imprisonment for counterfeiting currency or valuable securities, embezzlement, fraud or breach of trust and the sentence has not been completed or ten years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.
4. Having received a final and unappealable sentence for violating Insurance Act, Banking Act, Financial Holding Company Act, Trust Enterprise Act, Act Governing Bills Finance Business, Financial Asset Securitization Act, Real Estate Securitization Act, Securities and Exchange Act, Futures Trading Act, Securities Investment Trust and Consulting Act, Foreign Exchange Regulation Act, Credit Cooperative Act, Agricultural Finance Act, Farmers Association Act, Fishermen Association Act, Money Laundering Control Act, or any other laws regulating financial activity, and the sentence has not been completed or five years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.

5. Having been declared bankrupt, and rights and privileges have not been reinstated.
6. Being the responsible person of a legal entity at the time such legal entity was adjudicated bankrupt and five years have not elapsed since the closure of the bankruptcy or the terms of bankruptcy settlement have not yet been fulfilled.
7. Having an ongoing event that seriously damages his or her creditworthiness or five years have not elapsed since the closure of such an event.
8. Five years have not elapsed since being replaced or discharged from duties by order of the competent authority due to a violation the Insurance Act, Banking Act, Financial Holding Company Act, Trust Enterprise Act, Act Governing Bills Finance Business, Financial Assets Securitization Act, Clauses of the Real Estate Securitization Act , Securities and Exchange Act, Futures Trading Act, Securities Investment Trust and Consulting Act, Foreign Exchange Regulation Act, Credit Cooperatives Act, Agricultural Finance Act, Farmers Association Act, Fishermen Association Act, Fair Trade Act or other laws regulating financial activity.
9. Factual proof shows that the person has engaged in or otherwise been involved in any other dishonest or improper activities, demonstrating unsuitability for the work in question.
10. Is currently serving as an employee of an insurance enterprise or related industry association. Notwithstanding the foregoing, if the insurance enterprise has an investment relationship with the surveyor company and their chairman and general manager have not taken concurrent positions in each other, the employee of the insurance enterprise may act as a responsible person of the surveyor company, subject to the approval of the competent authority.
11. Is already registered as an insurance solicitor.
12. Practice license has been revoked by the competent authority and five years have not elapsed.
13. Having been involved in serious cheating in a special examination for professional or technical personnel of insurance enterprises, and has been sentenced to imprisonment for a definite period by a final and unappealable judgment.
14. Having been sentenced to imprisonment for forging instruments or seals, offence against privacy, usury, impairing the rights of creditors or violating Tax Collection Act, Trademark Act, Patent Act or other acts or regulations governing industrial or commercial activity and the sentence has not been completed or five years have not elapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.
15. Having been sentenced to imprisonment for embezzlement and the sentence has not been completed or five years have not lapsed since the date of sentence completion, the expiration of probation period, or the pardon of such punishment.
16. Having been denied service by the bills clearing house and the denial status has yet to be removed, or there remains a record of dishonored check(s) due to insufficient funds in three years since the denial status has been removed

17. Having been ordered to enter a reformatory or having been ordered to perform compulsory labor due to the offense of larceny or receiving stolen property and the sentence has not been completed or five years have not elapsed since the sentence completion.

18. Being a director, supervisor or general manager of an insurance agent company, insurance broker company or surveyor company at the time such company was subject to disciplinary action provided in subparagraph 1, paragraph 1, Article 164-1 of the Insurance Act or had its permit revoked and practice license cancelled pursuant to paragraph 5 of Article 163 or Article 167-2 of the Insurance Act, and three years have not elapsed.

19. Being otherwise restricted by law.

The term "responsible person" mentioned in the preceding paragraph shall mean a director, supervisor, general manager, or sales-related assistant general managers of a surveyor company, managers of branch office or a person in comparable position.

A surveyor who has obtained practice license before the amended Regulations are in force but does not meet the requirements set out in any of the provisions in subparagraphs 3, 4, 6 through 9, and 14 through 18 of the first paragraph hereof may continue to practice or be employed until his or her practice license expires or is cancelled.

Where, before the amended Regulations are in force, a responsible person does not meet the requirements set out in any of the provisions in subparagraphs 3, 4, 6 and 9, and 14 through 18 of the first paragraph hereof, he or she may continue to serve until his or her term expires or he or she is discharged; for those who do not have a fixed term of office, the surveyor company shall make adjustment within one year of the date the amended Regulations enter into force.

### Chapter 3 Registration of Business Practice and Application for Practice License

#### Article 7

A person possessing a surveyor qualification as set out in these Regulations and free of the situations provided in any subparagraph of paragraph 1 of the preceding article may, after obtaining a practice license, practice business independently or as an employee of a corporate a surveyor company organization.

A surveyor company shall employ at least one surveyor to serve as a signatory, and carry out registration of permission with the competent authority. The company shall make appropriate adjustments to the number of such persons according to the scale of its business and the quality of business. When necessary, the competent authority also may require the company to employ additional surveyors to serve as signatories.

After completing the registration of permission set out in the preceding paragraph, it shall duly carry out registration of incorporation with the appropriate competent authority in charge of company registration.

No surveyor may serve as a signatory for two or more companies concurrently.

#### Article 8

An independent surveyor shall submit the following documents to carry out

registration of permission with the competent authority:

1. An application form.
2. Certification showing that the qualification requirements set out in these Regulations are met.
3. Certification of pre-service education and training recognized by the competent authority obtained within the last two years; a person whose certification of pre-service education and training was obtained more than two years ago may submit the already obtained certification of pre-service education and training along with certification of in-service education and training under Article 25; a person who carries out registration of permission with the qualification set out in Article 5, paragraph 1, subparagraph 3 may submit a certification of in-service education and training set out in Article 25 herein;
4. Proof of identity.
5. A business plan.
6. A written statement undertaking the absence of situations provided in paragraph 1 of Article 6.
7. Other documents as required by the competent authority.

#### Article 9

A surveyor company shall carry the wording "insurance survey" in its name, except for surveyor companies that have been approved and registered with the competent authority to operate surveyor business.

A surveyor company shall submit the following documents to the competent authority for registration of permission:

1. An application form.
2. A photocopy of the valid practice license of surveyors employed or certification showing that surveyors employed meet the qualification requirements set out in these Regulations and any of the following certifications:
  - (1) Certification of pre-job training, obtained within the past 2 year before submission of the application and recognized by the competent authority;
  - (2) For an employed surveyor whose certification of pre-job education and training was obtained more than two years ago, submit such certification along with certification of on-the-job training under Article 25; or
  - (3) Where registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, certification of on-the-job training set out in Article 25 herein.
3. Proof of identity for any surveyors employed.
4. A written statement that the designated chairman, general manager and any surveyors employed are free of the situations in subparagraphs 1 through 9 and subparagraphs 12 through 19 of paragraph 1, Article 6 herein.
5. A business plan.
6. A list of promoters or shareholders stating each promoter's or shareholder's name, sex, date of birth, domicile, ID number, and amount paid for subscription/purchase of shares.
7. The articles of incorporation.
8. Proof of full payment for shares or proof of the balance of deposits of the company.

9. Documents evidencing the qualifications of the designated chairman and general manager.

10. Other documents as required by the competent authority.

Where any of the promoters or shareholders referred to in subparagraph 6 of the preceding paragraph is a foreign insurance surveyor institution, the documents set out in subparagraphs 2 through 4, subparagraphs 11 and 12, paragraph 1 of Article 41 shall also be submitted.

#### Article 10

A surveyor company shall have one general manager in charge of managing the overall operations of the company and shall not have other officers in comparable position.

The general manager referred to in the preceding paragraph shall not act concurrently as the chairman or general manager of other surveyor companies.

The general manager of a surveyor company shall possess one of the following qualifications:

1. Has graduated from a domestic or foreign school at the level of junior college or higher or possessing equivalent academic qualifications, and having no less than five years of experience working for an insurance company, insurance cooperative, insurance broker company, insurance agent company, or surveyor company;

2. Has graduated from a domestic or foreign school at the level of junior college or higher or possesses equivalent academic qualifications, and has served for no less than five years as a signatory for an insurance surveyor; or

3. Having other factual evidence sufficient to show professional insurance expertise or insurance work experience that enables him or her to operate an insurance surveyor business soundly and effectively.

The appointment or dismissal of the general manager mentioned in the preceding paragraph shall be duly registered with the competent authority in charge of company registration.

Where, before the amended Regulations are in force, a general manager does not meet the requirements set out in the third paragraph hereof, he or she may continue to serve until his or her term expires or he or she is discharged; for those who do not have a fixed term of office, the surveyor company shall make it adjustment within one year of the date the amended Regulations enter into force. Where a surveyor company does not meet the requirements set out in the first paragraph regarding the number of general manager or does not comply with the provisions in the second paragraph on the general manager serving concurrent positions, the surveyor company shall make adjustment within one year of the date the amended Regulations enter into force.

#### Article 11

The chairman of a surveyor company, at least one third of its directors and supervisors, sales-related vice general manager, managers of branch offices or officers in comparable positions shall possess one of the following qualifications:

1. Has graduated from a domestic or foreign school at the level of junior

college or higher or possesses equivalent academic qualifications, and has no less than three years of insurance company, insurance cooperative, insurance broker company, insurance agent company, or surveyor company work experience.

2. Has graduated from a domestic or foreign school at the level of junior college or higher or possesses equivalent academic qualifications, and has served for no less than two years as a signatory for an insurance surveyor.

3. There is other factual evidence sufficient to prove professional insurance expertise or insurance work experience, and capability for safe, sound, and effective operation of an insurance surveyor business.

Where, before the amended Regulations are in force, a chairman, sales-related vice general managers, managers of branch office or officers in comparable positions do not meet the requirements set out in the preceding two paragraphs hereof, he or she may continue to serve until his or her term expires or he or she is discharged; for those who do not have a fixed term of office, the surveyor company shall make adjustment within three years of the date the amended Regulations enter into force. Where a surveyor company does not have at least one third of its directors and supervisors meeting the provisions in the first paragraph hereof, the surveyor company shall make it adjustment within three years of the date the amended Regulations enter into force.

#### Article 12

Where there is a change of chairman, director, supervisor, general manager or managers of branch office, a surveyor company shall submit a written statement undertaking that the new appointee is free of situations set out in any of the subparagraphs of paragraph 1, Article 6 and documents evidencing compliance with qualifications provided in the preceding two articles to the surveyors association for recordation within fifteen days after the change.

A surveyor company shall report changes to place of business or paid-in capital to the surveyors association for recordation within fifteen days after registration of the change (with the appropriate authority); the preceding paragraph applies when an independent surveyor changes his or her place of business.

The directions for the reporting operations set out in the preceding two paragraphs shall be drawn up by the surveyors association, and submitted to the competent authority for recordation; the preceding provision shall apply to any amendment to those directions.

#### Article 13

When a surveyor employed by a surveyor company ceases to serve as a signatory for the company, the surveyor company shall, within fifteen days after the employed surveyor departs, report to the competent authority and surrender the practice license of the departed surveyor, and report same to the surveyors association for recordation.

When a surveyor company employs an additional surveyor or changes a surveyor, and such new surveyor already has a practice license, the surveyor company shall report to the surveyors association for recordation within seven days after employing the additional surveyor or changing the

surveyor.

The surveyors association shall prescribe directions for the reporting operation under the two preceding paragraphs.

#### Article 14

A surveyor company applying to operate surveyor business shall have minimum paid-in capital of NT\$2 million. The capital contributions of promoters and shareholders shall be limited to cash.

#### Article 15

The bond deposited by a surveyor company will be returned upon duly made application only after liquidation of the company is completed according to law, and the practice license is surrendered and cancelled; provided, an independent surveyor may apply for return of the bond after he has ceased practice and his practice license has been surrendered and cancelled.

#### Article 16

A surveyor shall apply to the competent authority for issuance of a practice license and commence operating or practicing business within six months of the date of registration of permission. If the surveyor has not yet applied or has not yet commenced operation or practice at the end of this period, the competent authority will revoke its registration.

#### Article 17

A surveyor company having any of the following situations shall submit an application together with its board of directors' or shareholders' meeting minutes to the competent authority for approval and register with competent authority in charge of company registration to law:

1. Suspending.
2. Resuming business.
3. Dissolved.

An independent surveyor who ceases business shall, within fifteen days after the fact, file a report with the competent authority and surrender his or her practice license.

A surveyor company may suspend its business up to one year, and where there is legitimate reason, may apply for an extension of business suspension period once. The application for extension shall be made fifteen days before the allowed suspension period expires.

Where a surveyor company fails to apply for business resumption and employ a surveyor to serve as a signatory in accordance with Article 7 before the allowed suspension period expires, the competent authority will revoke its registration and cancel its practice license.

Where a surveyor company applies for business suspension, it shall surrender the practice licenses of surveyors employed by the company. Where a surveyor company applies for dissolution, it shall surrender the practice licenses of surveyors employed by the company as well as the company's practice license.

Where a surveyor company has a situation set out in subparagraph 1 or 3 of paragraph 1 hereof but fails to surrender the practice licenses of surveyors employed by the company, the employed surveyors shall, within

thirty days from business suspension or dissolution of the surveyor company, submit relevant documents for cancellation of registration through the surveyors association.

The directions for the operation mentioned in the preceding paragraph shall be drawn up by the surveyors association.

#### Article 18

Upon applying to the competent authority for the issuance of a practice license, an independent surveyor shall pay the fees set by the competent authority and submit the following documents:

1. An application form.
2. The proof of the deposit of bond and a duplicate of an insurance policy showing the purchase of professional liability insurance.
3. Certification showing membership in the surveyors association in accordance with Article 33.

#### Article 19

Upon applying to the competent authority for the issuance of a practice license, a surveyor company shall pay the fees set by the competent authority and submit the following documents:

1. An application form;
2. The proof of the deposit of bond and a duplicate of an insurance policy showing the purchase of professional liability insurance;
3. Company registration form and a list of directors, supervisors and general manager;
4. A written statement undertaking that its directors and supervisors are free of the situations set out any of the subparagraphs of paragraph 1, Article 6 and proofs submitted by its chairman, general manager and employed surveyors that they are free of the situations set out in subparagraphs 10 and 11 of paragraph 1, Article 6 herein;
5. Certification showing membership in the insurance surveyors association in accordance with Article 36 herein; and
6. Other documents as required by the competent authority.

#### Article 20

The practice license of independent surveyors and surveyors employed by a surveyor company is valid for a period of five years. A surveyor may not practice business unless he or she has completed the procedures for license renewal before the current practice license expires.

Upon applying for renewal of practice license, a surveyor shall pay the fees set by the competent authority and submit the following documents:

1. The original practice license.
2. Certification of on-the-job training recognized by the competent authority.
3. The proof of the deposit of bond and a duplicate of an insurance policy showing the purchase of professional liability insurance;
4. The consolidated income tax returns of the surveyor (listing sources of income) for the past three years, tax withholding statements accompanied by an affidavit, or other documents proving that he or she has actually practiced the business.

5. Written statement of the non-existence of the circumstances listed in paragraph 1 of Article 6.
6. Certification showing membership in the surveyors association in accordance with Article 33.
7. Other documents as required by the competent authority.

#### Article 21

The competent authority may not renew a practice license if the applying surveyor has any of the following circumstances:

1. Violate paragraph 2 of Article 165 of the Insurance Act.
2. Any of the circumstances listed in paragraph 1 of Article 6.
3. Violation of paragraph 2 or 4 of Article 7 herein.
4. Failure to apply for renewal of the practice license within the time limit specified in Article 20.
5. Failure to file business and financial statements in accordance with Article 32.
6. Failure to pay administrative fines, annual supervisory fees, examination fees, or other fees.
7. Other circumstances as provided by the competent authority.

#### Article 22

A surveyor who possesses the qualifications of both a general surveyor and a marine surveyor may concurrently obtain a practice license for both general surveyor and marine surveyor.

### Chapter 4 Education and Training

#### Article 23

Training is divided into pre-job training and on-the-job training.

#### Article 24

Independent surveyor or surveyors employed by a surveyor company shall have attended at least 32 hours of pre-job training and passed tests within the past 1 year before submission of the application.

Pre-job training may be conducted by the Taiwan Insurance Institute or a university or college extension education institution. The guidelines and content for such training shall be submitted to the competent authority for approval.

#### Article 25

Independent surveyors or surveyors employed by a surveyor company shall have attended not less than 32 hours of pre-service education and training during the two years before applying to practice.

Pre-service education and training may be conducted by the Insurance Institute of the Republic of China or a university or college extension education institution. The guidelines and content for such education and training shall be submitted to the competent authority for approval.

### Chapter 5 Management

#### Article 26

When practicing, a surveyor shall place his or her signature on survey

reports and other relevant documents and duly bear any related liability.

#### Article 27

A surveyor shall be independent and impartial in practice, shall give consideration to the interests of both the insurer and the insured, and shall abide by the principle of good faith. He or she shall be obligated to faithfully inspect and evaluate business undertaken, and shall not engage in any improper practice or neglect his or her rightful professional duties.

#### Article 28

A surveyor shall not engage in surveying business for his or her own interest or for a principal with whom he or she has an interest relationship.

#### Article 29

Business undertaken by a surveyor shall not be re-consigned to another surveyor without the written consent of the principal.

#### Article 30

In practicing surveying business, a surveyor shall preserve survey reports for inspection by the competent authority.

All documents to be preserved under the preceding paragraph shall be preserved for no less than 5 years, provided that where otherwise specified by an act or regulation, such other provision shall apply.

#### Article 31

A surveyor shall have a fixed place of business that shall not be located within the head office or branch office of an insurance company.

Where a surveyor company changes any registered item on the company practice license, it shall, within 30 days, submit an amendment registration form and pay the fees set by the competent authority for replacement of the practice license.

Surveyors shall prominently display the originals of their practice licenses at their places of business.

Independent surveyors shall display the originals or photocopies of their practice licenses and service certifications when practicing business.

#### Article 32

A surveyor shall set up special account books to record business income and expenditures and shall compile the various business and financial statements and submit them to the competent authority or the institution designated thereby within the time limit set by the competent authority; the formats of the statements shall be separately prescribed by the competent authority.

The competent authority may from time to time send personnel to inspect the operations and assets and liabilities of surveyors or order them to report the status of their operations within a time limit.

The competent authority may from time to time send personnel to inspect the operations and assets and liabilities of surveyors or order them to report

the status of their operations within a time limit. With respect to the inspection opinions of the competent authority or deficiencies identified by the competent authority in an inspection, a surveyor shall take specific improvement actions and continue to follow up on the actions taken, and report the implementation of improvement actions to the competent authority within the time period prescribed by the competent authority. The surveyor company shall submit a written report on the follow-up of improvement actions taken to its board of directors and supervisors or audit committee for review.

#### Article 33

After obtaining registration of permission with the competent authority, a surveyor shall join the surveyors association.

A surveyor who has not joined the surveyors association and obtained a membership certificate in accordance with the preceding paragraph may not apply for a practice license to operate or practice in business.

#### Article 34

When the surveyors association is established or holds reelections, it shall report its articles of incorporation, list of members, and list of directors and supervisors to both the Ministry of the Interior and the competent authority for recordation.

The surveyors associations shall disclose on its website the name, capital, place of business of its member companies, operating bonds deposited and liability insurance purchased by members companies and other matters as required by the competent authority.

#### Article 35

A surveyor company that has not been sanctioned by the competent authority within the last one year for violating an act or regulation may apply to the competent authority for approval to establish a branch office.

A surveyor company that applies for the establishment of a branch office shall employ a surveyor to serve as a signatory and submit the following documents to the competent authority for registration of permission:

1. An application form clearly stating the name and location of the branch office.
2. The minutes of the board of directors meeting resolving to establish the branch office.
3. Proof of identity for the designated managers of branch offices and proof of their compliance with the qualification requirements set out in Article 11 herein.
4. A photocopy of the valid practice license of surveyors employed or certification showing that any surveyors employed meet the qualification requirements set out in these Regulations and any of the following certifications:
  - (1) Certification of pre-job training, obtained within the past 2 year before submission of the application and recognized by the competent authority;
  - (2) For an employed surveyor whose certification of pre-job education and training was obtained more than two years ago, submit such certification

along with certification of on-the-job training under Article 25; or  
(3) Where registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, certification of on-the-job training set out in Article 25 herein.

5. Proof of identity for any surveyors employed.

6. A written statement from the designated managers of branch office and surveyors employed undertaking that they are free of the situations set out in subparagraphs 1 through 9 and 12 to 19 of paragraph 1, Article 6.

7. A business plan for the branch office.

8. Other documents as required by the competent authority.

A surveyor company shall, in the six months of the approval of branch office establishment, submit an application form and a written statement undertaking that the manager of branch office and surveyors to be employed are free of situations set out in subparagraphs 10 and 11 of paragraph 1, Article 6 herein to the competent authority for issuance of a practice license for the branch office.

#### Article 36

When a surveyor company plans to establish a subsidiary, branch office, or representative office or makes equity investment in a foreign country, relevant provisions of the Regulations Governing Permission of Insurance Business Transactions and Investment Between the Taiwan Area and the Mainland Area shall apply mutatis mutandis with respect to application criteria, required documentation, financial and business management, etc.

#### Article 37

A surveyor shall not commit any of the following acts:

1. Make a false representation when applying for a practice license.
2. Collect extra remuneration from a party to or interested party of an insurance contract.
3. Provide the practice license for use by others.
4. Make exaggerated, false, or misleading claims or advertisements or use other improper methods when engaging in business.
5. Issue a false survey report for his or her own benefit or that of a third party.
6. Have been sentenced to punishment for embezzlement, fraud, breach of trust, or forgery.
7. Operate insurance business outside the scope specified on his or her practice license.
8. Authorize a third party to operate or practice business on his/her/its behalf, or conduct business in other's name.
9. Fail to surrender or cancel practice license within the time limit set out in Article 13, paragraph 1 or Article 17, paragraph 2 or paragraph 6.
10. Suspend, resume or dissolve business at own discretion.
11. In the case of a surveyor company, fail to employ another surveyor to serve as a signatory in accordance with Article 8, paragraph 2 when an employed surveyor leaves work.
12. Fail to report matters prescribed by the competent authority to the surveyors association for recordation.
13. Fail to submit business information and financial statements within the

time period prescribed by the competent authority or the information submitted is untruthful or incomplete.

14. Otherwise violate these Regulations or other relevant acts or regulations.

#### Article 38

A surveyor who has not carried out registration of permission with the competent authority, deposited bond and purchased professional liability insurance, and granted a practice license in accordance with these Regulations may not operate or practice the insurance surveyor business; the same applies where the practice license of the surveyor has been cancelled or revoked by the competent authority.

### Chapter 6 Foreign Insurance Surveyors

#### Article 39

Where necessary, the competent authority may approve the establishment of branch offices within the territory of the Republic of China by a foreign insurance surveyor institution having an corporate entity to operate the same kind of business operated in its home country.

#### Article 40

A foreign insurance surveyor institution applying to establish a branch office within the territory of the Republic of China shall possess the following qualifications:

1. Having had sound operational performance and secure financial capacity in the three years prior to application; and
2. Free of the record of being disciplined (by the authority) due to major violation in the past three years as substantiated by the competent authority of its home country.

#### Article 41

A foreign insurance surveyor institution applying for approval to establish a branch office within the territory of the Republic of China to operate insurance surveyor business shall submit two copies of the following documents to the competent authority for review:

1. Foreign surveyor company's application for approval.
2. Documentary proof that the competent authority or agency of its home country has approved the registration of the applicant's incorporation as well as the scope of its business operations.
3. Documents showing the names, nationalities, positions, and residences or domiciles of the major responsible persons of the head office.
4. Documents evidencing that establishment of a branch office in the Republic of China has been approved by the competent authority or agency of its home country and agreed by its board of directors.
5. The articles of incorporation of the head office.
6. A business plan.
7. A photocopy of the valid practice license of surveyors employed or certification showing that surveyors employed meet the qualification requirements set out in these Regulations and any of the following certifications:

- (1) Certification of pre-job training, obtained within the past 2 year before submission of the application and recognized by the competent authority;
- (2) For an employed surveyor whose certification of pre-job education and training was obtained more than two years ago, submit such certification along with certification of on-the-job training under Article 25; or
- (3) Where registration of permission is based on the qualifications set out in subparagraph 3, paragraph 1 of Article 5 herein, certification of on-the-job training set out in Article 25 herein.

8. Proof of identity for any surveyors employed.

9. A written statement undertaking that managers of branch office and surveyors to be employed are free of situations set out in subparagraphs 1 through 9 and subparagraphs 12 through 19 of paragraph 1, Article 6 herein.

10. Proof of identity for the designated manager of branch office and proof of compliance with the qualification requirements set out in Article 11 herein.

11. A balance sheet and consolidated income statement for the last three years audited and attested by a certified public account recognized in the home country.

12. A document issued by the competent authority in its home country evidencing that the applicant is free of the record of being disciplined (by the authority) due to major violation in the past three years.

13. Other documents as required by the competent authority.

The documents mentioned in the preceding paragraph may be replaced by comparable documents if any of them is unavailable according to the law of the home country.

If any of the documents mentioned in the preceding two paragraphs is not presented or recorded in Chinese due to special circumstances, their Chinese translations must be attached; except to documents provided in subparagraphs 1 through 6 and subparagraph 10 of the first paragraph hereof, the rest shall be authenticated by a ROC embassy/consulate or an overseas ROC representative office.

If the documents in the first paragraph or other representations are incomplete, the application will be rejected; the same applies if the situation could be rectified, but the applicant fails to do so within a time period given by the competent authority.

#### Article 42

The head office of a foreign surveyor company shall appropriate funds of not less than NT\$2 million exclusively for the business operation of each branch office established according to its business plan.

#### Article 43

The head office of a foreign surveyor company shall, within six months of permission, remit the funds for business operations of its branch office according to the preceding article, and apply to the competent authority in charge of company registration for recognition and registration of branch office establishment.

For those foreign surveyor companies that fail to apply for registration with the competent authority within the time period prescribed in the

preceding paragraph, or fail to obtain approval from the competent authority in charge of company registration, the competent authority may revoke the permission.

Those that have completed the recognition and registration procedures under the first paragraph hereof shall, after depositing a bond and purchasing professional liability insurance, apply for and obtain a practice license from the competent authority by submitting a Branch Office Incorporation Registration Form and the fee as set by the competent authority. Those that have obtained a practice license shall carry out business registration in accordance with relevant acts and regulations.

#### Article 44

A foreign insurance surveyor institution establishing a branch office to operate business within the territory of the Republic of China shall employ at least one person holding a Republic of China surveyor's practice license of the same type to practice the business.

#### Article 45

Provisions of other related chapters of these Regulations shall apply mutatis mutandis to matters regarding foreign insurance surveyors on which this chapter is silent.

### Chapter 7 Supplementary Provisions

#### Article 46

The appointment or promotion of the responsible persons of a surveyor company shall meet the requirements set out in paragraph 1 of Article 6, Articles 10 and 11; one appointed or promoted without meeting those requirements shall be discharged.

Any responsible person of a surveyor company who has a situation in any subparagraph of paragraph 1, Article 6 after promotion or appointment shall be discharged.

If an independent surveyor or a surveyor employed by a surveyor company does not comply with paragraph 1 of Article 6 herein, the competent authority may revoke his or her permit and cancel his or her practice license.

#### Article 47

These Regulations shall be in force from the date of promulgation.