

Part 1 General Provisions

31A-26-101 Purposes.

The purposes of this chapter are:

- (1) to promote the professional competence of those engaged in claims adjusting;
- (2) to encourage fair and rapid settlement of claims;
- (3) to protect claimants under insurance policies from unfair claims adjustment practices;
- (4) to prevent compensation arrangements for insurance adjusters that endanger the fairness of claim settlements; and
- (5) to govern the qualifications and procedures for the licensing of insurance adjusters.

Amended by Chapter 116, 2001 General Session

31A-26-102 Definitions.

As used in this chapter, unless expressly provided otherwise:

- (1) "Company adjuster" means a person employed by an insurer who negotiates or settles claims on behalf of the insurer or an affiliated insurer.
- (2) "Designated home state" means the state or territory of the United States or the District of Columbia:
 - (a) in which an insurance adjuster does not maintain the adjuster's principal:
 - (i) place of residence; or
 - (ii) place of business;
 - (b) if the resident state, territory, or District of Columbia of the adjuster does not license adjusters for the line of authority sought, the adjuster has qualified for the license as if the person were a resident in the state, territory, or District of Columbia described in Subsection (2)(a), including an applicable:
 - (i) examination requirement;
 - (ii) fingerprint background check requirement; and
 - (iii) continuing education requirement; and
 - (c) that the adjuster has designated as the insurance adjuster's designated home state.
- (3) "Home state" means:
 - (a) a state or territory of the United States or the District of Columbia in which an insurance adjuster:
 - (i) maintains the adjuster's principal:
 - (A) place of residence; or
 - (B) place of business; and
 - (ii) is licensed to act as a resident adjuster; or
 - (b) if the resident state, territory, or the District of Columbia described in Subsection (3)(a) does not license adjusters for the line of authority sought, a state, territory, or the District of Columbia:
 - (i) in which the adjuster is licensed;
 - (ii) in which the adjuster is in good standing; and
 - (iii) that the adjuster has designated as the adjuster's designated home state.
- (4) "Independent adjuster" means an insurance adjuster required to be licensed under Section 31A-26-201, who engages in insurance adjusting as a representative of one or more insurers.

- (5) "Insurance adjusting" or "adjusting" means directing or conducting the investigation, negotiation, or settlement of a claim under an insurance policy, on behalf of an insurer, policyholder, or a claimant under an insurance policy.
- (6)
 - (a) "Organization" means a person other than a natural person.
 - (b) "Organization" includes a sole proprietorship by which a natural person does business under an assumed name.
- (7) "Portable electronics insurance" means the same as that term is defined in Section 31A-22-1802.
- (8) "Public adjuster" means a person required to be licensed under Section 31A-26-201, who engages in insurance adjusting as a representative of insureds and claimants under insurance policies.

Amended by Chapter 252, 2021 General Session

31A-26-103 Workers' compensation claims.

In addition to being subject to this and other chapters of this title, insurers writing workers' compensation insurance in this state are subject to the Labor Commission with respect to claims for and payment of compensation and benefits.

Amended by Chapter 363, 2017 General Session