

31A-26-201 Requirement of license.

- (1) Except as provided in Subsection (2):
 - (a) a person may not perform, offer to perform, or solicit the opportunity to perform an act of insurance adjusting without a valid license under Section 31A-26-203; and
 - (b) a person may not use the insurance adjusting services of another if the person knows or should know that the one providing these services does not have a license as required by law.
- (2) The following are exempt from the license requirement of Subsection (1), when acting in the indicated capacity:
 - (a) an individual engaged in insurance adjusting as a regular salaried employee of, and not an independent contractor for, an insurer;
 - (b) an arbitrator or an umpire selected by the claimant and insurer to decide, alone or with others, whether a claim should be paid and how much should be paid;
 - (c) an attorney at law acting in an attorney-client relationship;
 - (d) an insurance producer, but only as to:
 - (i) a class of insurance for which the insurance producer is licensed under Section 31A-23a-106; and
 - (ii) a claim adjusted on the request of an insurer for which the insurance producer is a producer;
 - (e) a regular salaried employee of, and not an independent contractor for, a policyholder or claimant under an insurance policy;
 - (f) an employee of a licensed insurance adjuster who provides only administrative or clerical assistance;
 - (g) an individual who does not do insurance adjusting under Section 31A-26-102, but who is specially employed to obtain facts about a loss for or furnish technical assistance to a licensed adjuster or a company adjuster, including:
 - (i) a photographer;
 - (ii) an estimator;
 - (iii) an appraiser;
 - (iv) a marine surveyor;
 - (v) a private detective;
 - (vi) an engineer; and
 - (vii) a handwriting expert;
 - (h) a holder of a group insurance policy, with respect to administrative activities in connection with that insurance policy, who receives no compensation for the policyholder's services beyond the actual expenses estimated on a reasonable basis;
 - (i) an individual engaged in insurance adjusting as a regular salaried employee of, and not an independent contractor for, an administrator licensed under Chapter 25, Third Party Administrators; or
 - (j) a person who gives advice or assistance without compensation or expectation of compensation, direct or indirect.
- (3) A claim settlement between an insurer and an insured or a claimant under an insurance policy may not be considered invalid as a result of a violation of this section.

Amended by Chapter 10, 2010 General Session