

31A-26-203 Adjuster's license required.

- (1) The commissioner shall issue a license to act as an independent adjuster or public adjuster to a person who, as to the license classification applied for under Section 31A-26-204:
 - (a) satisfies the character requirements under Section 31A-26-205;
 - (b) satisfies the applicable continuing education requirements under Section 31A-26-206;
 - (c) satisfies the applicable examination requirements under Section 31A-26-207;
 - (d) has not committed an act that is a ground for denial, suspension, or revocation provided for in Section 31A-26-213;
 - (e) if a nonresident, complies with Section 31A-26-208; and
 - (f) pays the applicable fees under Section 31A-3-103.
- (2)
 - (a) This Subsection (2) applies to the following persons:
 - (i) an applicant for:
 - (A) an independent adjuster's license; or
 - (B) a public adjuster's license;
 - (ii) a licensed independent adjuster; or
 - (iii) a licensed public adjuster.
 - (b) A person described in Subsection (2)(a) shall report to the commissioner:
 - (i) an administrative action taken against the person, including a denial of a new or renewal license application:
 - (A) in another jurisdiction; or
 - (B) by another regulatory agency in this state; and
 - (ii) a criminal prosecution taken against the person in any jurisdiction.
 - (c) The report required by Subsection (2)(b) shall:
 - (i) be filed:
 - (A) at the time the person applies for an adjustor's license; and
 - (B) if an action or prosecution occurs on or after the day on which the person applies for an adjustor's license:
 - (I) for an administrative action, within 30 days of the final disposition of the administrative action; or
 - (II) for a criminal prosecution, within 30 days of the initial appearance before a court; and
 - (ii) include a copy of the complaint or other relevant legal documents related to the action or prosecution described in Subsection (2)(b).
- (3)
 - (a) The department may require a person applying for a license or for consent to engage in the business of insurance to submit to a criminal background check as a condition of receiving a license or consent.
 - (b) A person, if required to submit to a criminal background check under Subsection (3)(a), shall:
 - (i) submit a fingerprint card in a form acceptable to the department; and
 - (ii) consent to a fingerprint background check by:
 - (A) the Utah Bureau of Criminal Identification; and
 - (B) the Federal Bureau of Investigation.
 - (c) For a person who submits a fingerprint card and consents to a fingerprint background check under Subsection (3)(b), the department may request concerning a person applying for an independent or public adjuster's license:
 - (i) criminal background information maintained pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, from the Bureau of Criminal Identification; and

- (ii) complete Federal Bureau of Investigation criminal background checks through the national criminal history system.
- (d) Information obtained by the department from the review of criminal history records received under this Subsection (3) shall be used by the department for the purposes of:
 - (i) determining if a person satisfies the character requirements under Section 31A-26-205 for issuance or renewal of a license;
 - (ii) determining if a person has failed to maintain the character requirements under Section 31A-26-205; and
 - (iii) preventing a person who violates the federal Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. Sec. 1033, from engaging in the business of insurance in the state.
- (e) If the department requests the criminal background information, the department shall:
 - (i) pay to the Department of Public Safety the costs incurred by the Department of Public Safety in providing the department criminal background information under Subsection (3)(c)(i);
 - (ii) pay to the Federal Bureau of Investigation the costs incurred by the Federal Bureau of Investigation in providing the department criminal background information under Subsection (3)(c)(ii); and
 - (iii) charge the person applying for a license or for consent to engage in the business of insurance a fee equal to the aggregate of Subsections (3)(e)(i) and (ii).
- (4) The commissioner may deny a license application to act as an independent adjuster or public adjuster to a person who, as to the license classification applied for under Section 31A-26-204:
 - (a) fails to satisfy the requirements in this section; or
 - (b) commits an act that is a ground for denial, suspension, or revocation provided for in Section 31A-26-213.
- (5) Notwithstanding the other provisions of this section, the commissioner may:
 - (a) issue a license to an applicant for a license for a title insurance classification only with the concurrence of the Title and Escrow Commission; or
 - (b) renew a license for a title insurance classification only with the concurrence of the Title and Escrow Commission.

Amended by Chapter 253, 2012 General Session