

# H.B. 336

## INSURANCE ADJUSTER AMENDMENTS

Representative **Curtis Oda** proposes the following amendments:

1. *Page 1, Lines 23 through 24:*

23 Other Special Clauses:

24           {None}    **This bill provides a special effective date.**

2. *Page 2, Lines 42 through 46:*

42           (1) "Company adjuster" means ~~[a person]~~ an individual **who as of January 1, 2016 is** required to be  
43 licensed under

43 Section 31A-26-201 **and** :

44           (a) who is employed by an insurer or third party administrator as a regular salaried  
45 employee and not as an independent contractor; and

46           (b) whose regular duties include insurance adjusting.

3. *Page 4, Lines 111 through 113:*

111           ~~[(g)]~~ (f) an individual who does not do insurance adjusting under Section 31A-26-102,  
112 but who is specially employed to obtain facts about a loss for or furnish technical assistance to  
113 a licensed adjuster **{+}** **or a company adjuster** **{+}** , including:

4. *Page 5, Lines 131 through 133:*

131           (4) The commissioner by rule, made in accordance with Title 63G, Chapter 3, Utah  
132 Administrative Rulemaking Act, may provide for the transition of licensing of a company  
133 adjuster **beginning January 1, 2016** .

5. *Page 5, Lines 134 through 143:*

134           (5) (a) A person may not provide insurance adjusting services in this state from an  
135 out-of-state location unless that person is licensed under this chapter or exempt from licensure  
136 under Subsection (2).

137           (b) This Subsection (5) does not apply to a person providing insurance adjusting  
138 services from outside the state as part of a regional claims center affiliated with an insurer if the  
139 person is licensed as a company insurance adjuster **on or after January 1, 2016,** in the company insurance  
140 adjuster's home  
state or designated home state.

141 (c) The commissioner by rule, made in accordance with Title 63G, Chapter 3, Utah  
142 Administrative Rulemaking Act, may define "regional claims center" consistent with this  
143 Subsection (5).

6. Page 5, Lines 146 through 147:

146 (1) (a) The application for a license as an independent adjuster [or], public adjuster, or  
147 beginning January 1, 2016, company adjuster shall be:

7. Page 6, Lines 169 through 171:

169 (1) The commissioner shall issue a license to act as an independent adjuster [or], public  
170 adjuster, or beginning January 1, 2016, company adjuster to a person who, as to the license  
[classification] type and line of  
171 authority applied for under Section 31A-26-204:

8. Page 6, Line 180 through Page 7, Line 189:

180 (2) (a) This Subsection (2) applies to the following persons:  
181 (i) an applicant for:  
182 (A) an independent adjuster's license; [or]  
183 (B) a public adjuster's license; or  
184 (C) beginning January 1, 2016, a company adjuster's license;  
185 (ii) a licensed independent adjuster; [or]  
186 (iii) a licensed public adjuster[-]; or  
187 (iv) beginning January 1, 2016, a licensed company adjuster.  
188 (b) A person described in Subsection (2)(a) shall report to the commissioner:  
189 (i) an administrative action taken against the person, including a denial of a new or

9. Page 8, Lines 240 through 242:

240 (4) The commissioner may deny a license application to act as an independent adjuster  
241 [or], public adjuster, or beginning January 1, 2016, company adjuster to a person who, as to the license  
[classification] type  
242 and line of authority applied for under Section 31A-26-204:

10. Page 9, Line 272:

272 (3) ~~{A}~~ Beginning January 1, 2016, a company adjuster license type includes the following  
lines of authority:

11. Page 10, Lines 279 through 282:

279 ~~{3}~~ (4) (a) The commissioner may by rule:

280 (i) recognize other independent adjuster [or], public adjuster, or beginning January 1,  
281 2016, company adjuster  
282 license [~~classifications~~] lines of authority as to other kinds of insurance not listed under  
Subsection (1); and

12. Page 11, Lines 318 through 320:

318 (4) A company adjuster who acted as a company adjuster for 10 consecutive years  
319 before {~~May 12, 2015~~} January 1, 2016 , is not required to take an examination under this section to  
320 be licensed  
under this chapter.

13. Page 12, Lines 344 through 346:

344 (b) The agency license issued under Subsection (3)(a) shall set forth the names of all  
345 natural persons licensed under this chapter who are authorized to act in [~~those~~] the capacities  
346 listed in Subsection (3)(a) or beginning January 1, 2016, as a company adjuster for the organization in  
this state.

14. Page 13, Lines 369 through 371:

369 A person licensed concurrently as both an independent and a public adjuster or beginning January  
370 1, 2016, a  
371 company adjuster and public adjuster may not represent both the insurer and the insured in the  
same transaction.

15. Page 13, Lines 378 through 384:

378 (b) Subsection (1)(a) includes payments to:  
379 (i) an employee of:  
380 (A) the insurer; or  
381 (B) the insured;  
382 (ii) an independent contractor; [or]  
383 (iii) a public adjuster[~~]~~; or  
384 (iv) beginning January 1, 2016, a company adjuster.

16. Page 13, Line 391:

391 (ii) an insured.

Section 11. Effective date.  
This bill takes effect on July 1, 2015.