

**1st Sub. H.B. 42**  
**INSURANCE RELATED MODIFICATIONS**

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 2, Line 45:*

45           ▶       addresses when an insurer {~~contracts~~} has a contract with a licensee;

2. *Page 22, Lines 657 through 659:*

657           (3) "ORSA guidance manual" means the current version of the Own Risk and Solvency  
658 Assessment Guidance Manual developed and adopted by the National Association of Insurance  
659 Commissioners and as amended from time to time.

3. *Page 73, Lines 2249 through 2252:*

2249           [(4)] (5) If an insurer {~~contracts~~} has a contract with or lists a licensee in a report submitted  
under  
2250 Subsection [(2)] (3), there is a rebuttable presumption that in placing a risk with the insurer the  
2251 contracted or appointed licensee or any of the licensee's licensed employees act on behalf of the  
2252 insurer.

4. *Page 76, Lines 2333 through 2335:*

2333           [(6)] (7) If an agency {~~contracts~~} has a contract with or designates a licensee in reports  
submitted under  
2334 Subsection (2) or [(5)] (6), there is a rebuttable presumption that the contracted or designated  
2335 licensee acts on behalf of the agency.

5. *Page 77, Lines 2353 through 2361:*

2353           (1) Subject to the other provisions in this section, a title insurer that {~~contracts~~} has a  
contract with or  
2354 appoints an individual title insurance producer or an agency title insurance producer is liable to  
2355 a buyer, seller, borrower, lender, or third party that deposits money with the individual title  
2356 insurance producer or agency title insurance producer for the receipt and disbursement of  
2357 money deposited with the individual title insurance producer or agency title insurance producer  
2358 for a transaction when a commitment for a policy of title insurance of that title insurer is  
2359 ordered, issued, or distributed or a title insurance policy of that title insurer is issued, except  
2360 that once a title insurer is named in an issued commitment only that title insurer is liable as a

2361 title insurer under this section.

6. Page 87, Lines 2682 through 2684:

2682 [(7)] (8) If a navigator agency ~~{contracts}~~ has a contract with or designates a licensee in  
reports  
2683 submitted under Subsection (3) or [(6)] (7), there is a rebuttable presumption that the  
2684 contracted or designated licensee acts on behalf of the navigator agency.

7. Page 95, Lines 2921 through 2923:

2921 [(6)] (7) If an agency ~~{contracts}~~ has a contract with or designates a licensee in a report  
submitted under  
2922 Subsection (2) or [(5)] (6), there is a rebuttable presumption that the contracted or designated  
2923 licensee acts on behalf of the agency.

8. Page 102, Lines 3133 through 3136:

3133 (4) A public adjuster shall keep at the public adjuster's principal place of business {in  
3134 this state} a copy of each contract entered into in this state for ~~{this}~~ the current year plus three  
years.  
3135 and each contract shall be available at all times for inspection, without notice, by the  
3136 commissioner or the commissioner's authorized representative.

9. Page 102, Lines 3142 through 3146:

3142 (1) Except as provided by Subsection (2), a public adjuster may receive compensation  
3143 for service provided under this chapter consisting of an hourly fee, a flat rate, a percentage of  
3144 the total amount paid by an insurer to resolve a claim, or another method of compensation. {The  
3145 total compensation received may not exceed 10% of the amount of the insurance settlement on  
3146 the claim.}

10. Page 154, Lines 4745 through 4748:

4745 (1) The amendments in this bill to Section 31A-3-102 and Section 59-7-102 have  
4746 retrospective operation for a taxable year beginning on or after January 1, 2017 ~~{, except that the~~  
4747 amendments to Subsections 31A-3-102(2)(b) and 59-7-102(1)(g) have retrospective operation  
4748 for a taxable year beginning on or after January 1, 2011} .