

1 **SENATE FLOOR VERSION**

2 February 19, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 439

By: Quinn of the Senate

and

Grau of the House

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7  
8 **[ adjusters - application for license adjuster -**  
9 **requirements - contents of certain memorandum -**  
10 **maximum fee - recordkeeping - catastrophes - duration**  
11 **and applicability of license - codification -**  
12 **effective date ]**

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 36 O.S. 2011, Section 6205, is  
15 amended to read as follows:

16 Section 6205. A. Application for a license as an adjuster  
17 shall be made to the Insurance Commissioner upon forms prescribed  
18 and furnished by the Commissioner. As a part of and in connection  
19 with the application, the applicant shall furnish such information  
20 concerning the applicant's identity, personal history, business  
21 experience, business record, and such other pertinent information  
22 which the Commissioner shall reasonably require.

1 B. Unless denied licensure pursuant to Section 6220 of this  
2 title, a nonresident applicant shall receive a nonresident adjuster  
3 license if:

4 1. The applicant has passed an examination in the applicant's  
5 home state or in another state in which the applicant is currently  
6 licensed and in good standing;

7 2. The applicant is currently licensed and in good standing in  
8 the home state of the applicant;

9 3. The applicant has submitted the proper request for licensure  
10 and has paid the fees required by Section 6212 of this title; and

11 4. The applicant's home state awards nonresident adjuster  
12 licenses to residents of this state on the same basis.

13 C. If a nonresident applicant's home state does not license or  
14 require an examination for an adjuster license, the adjuster may  
15 declare another state which has an examination requirement and in  
16 which the adjuster is licensed to be the home state. Should the  
17 applicant not hold an active adjuster license in his or her home  
18 state or declared home state, the applicant shall pass the adjuster  
19 examination of this state prior to receiving a nonresident adjuster  
20 license.

21 D. An individual who is a resident of Canada shall not be  
22 licensed pursuant to the Insurance Adjusters Licensing Act nor  
23 designate this state as the individual's home state, unless the  
24 individual has successfully passed the adjuster examination and has

1 complied with all applicable requirements of the Insurance Adjusters  
2 Licensing Act; except that any such applicant shall not be required  
3 to comply with paragraph 2 of subsection A of Section 6206 of this  
4 title or Section 6215 of this title.

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 6216.3 of Title 36, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. No public adjuster shall have any right to compensation from  
9 any insured for or on account of services rendered to an insured as  
10 a public adjuster unless the right to compensation is based upon a  
11 written memorandum, signed by the party to be charged and by the  
12 adjuster. The written and signed memorandum shall specify or  
13 clearly define at least the following:

- 14 1. The services to be rendered;
- 15 2. The amount or extent of the compensation to be paid to the  
16 adjuster, including any information regarding a possible lien placed  
17 on the insured's insurance claim or property; and
- 18 3. The amount or extent of the compensation to be paid to any  
19 third party.

20 B. A public adjuster may not recover any fees unless the  
21 insurer makes a written claim settlement offer to an insured and  
22 that offer is rejected, and a public adjuster may not recover any  
23 fees in excess of ten percent (10%) of the difference between the  
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1 amount of any final claim payment and the rejected claim settlement  
2 offer.

3 C. A public adjuster shall maintain a copy of every written  
4 memorandum required by subsection A of this Section for at least  
5 three (3) years after the date the memorandum is signed by the  
6 insured. A public adjuster shall submit a copy of any such  
7 memorandum to the Commissioner upon request.

8 SECTION 3. AMENDATORY 36 O.S. 2011, Section 6218, is  
9 amended to read as follows:

10 Section 6218. A. In the event of a catastrophe, the Insurance  
11 Commission may declare an emergency to exist, and in the event of  
12 such a declaration, the Commissioner may issue a license as an  
13 emergency adjuster to any resident or nonresident applicant. An  
14 individual licensed as an emergency adjuster pursuant to this  
15 section may only adjust claims related to the catastrophe. ~~Said~~ The  
16 applicant shall not have to be a licensed adjuster. An applicant  
17 for this license shall be certified in the manner prescribed by the  
18 Commissioner by an adjuster licensed in this state or by an insurer  
19 who maintains an office in this state and is licensed to do business  
20 in this state. A licensed adjuster or insurer who certifies an  
21 applicant for this license shall be responsible for any losses  
22 caused by the applicant or for any improper claim handling practices  
23 committed by the applicant. The employer of this applicant shall  
24 certify the application for license as an emergency adjuster to the

1 Commissioner within five (5) days after the applicant begins working  
2 as an emergency adjuster for ~~said~~ the employer. The license as an  
3 emergency adjuster shall remain in force for not more than ninety  
4 (90) days from the date ~~of issue, unless extended for an additional~~  
5 ~~ninety (90) days by~~ the Commissioner issues an emergency declaration  
6 order, and each license only applies to the particular catastrophe  
7 for which the emergency declaration order is issued.

8 B. The Commissioner may suspend or revoke the right of any  
9 person acting as an adjuster or an emergency adjuster in this state  
10 pursuant to the authority derived from the provisions of the  
11 Insurance Adjusters Licensing Act to continue to adjust claims in  
12 this state after a hearing on the suspension or revocation if the  
13 Commissioner finds that ~~said~~ the person has engaged in any of the  
14 practices forbidden to a licensed adjuster. Notice of the hearing  
15 on ~~said~~ the suspension or revocation shall be given personally or  
16 shall be sent by mail to the address stated in the registration. A  
17 duplicate copy of the notice shall be given to the insurer.

18 SECTION 4. This act shall become effective November 1, 2015.

19 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE  
20 February 19, 2015 - DO PASS AS AMENDED  
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