

1 ENGROSSED SENATE
2 BILL NO. 439

By: Quinn of the Senate

3 and

4 Grau of the House

5
6 [adjusters - application for license adjuster -
7 requirements - contents of certain memorandum -
8 maximum fee - recordkeeping - catastrophes - duration
and applicability of license - codification -
effective date]

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

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

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

21 B. Unless denied licensure pursuant to Section 6220 of this
22 title, a nonresident applicant shall receive a nonresident adjuster
23 license if:

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

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

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

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

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

18 D. An individual who is a resident of Canada shall not be
19 licensed pursuant to the Insurance Adjusters Licensing Act nor
20 designate this state as the individual's home state, unless the
21 individual has successfully passed the adjuster examination and has
22 complied with all applicable requirements of the Insurance Adjusters
23 Licensing Act; except that any such applicant shall not be required
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1 to comply with paragraph 2 of subsection A of Section 6206 of this
2 title or Section 6215 of this title.

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

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

12 1. The services to be rendered;

13 2. The amount or extent of the compensation to be paid to the
14 adjuster, including any information regarding a possible lien placed
15 on the insured's insurance claim or property; and

16 3. The amount or extent of the compensation to be paid to any
17 third party.

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

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

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

8 Section 6218. A. In the event of a catastrophe, the Insurance
9 Commission may declare an emergency to exist, and in the event of
10 such a declaration, the Commissioner may issue a license as an
11 emergency adjuster to any resident or nonresident applicant. An
12 individual licensed as an emergency adjuster pursuant to this
13 section may only adjust claims related to the catastrophe. ~~Said~~ The
14 applicant shall not have to be a licensed adjuster. An applicant
15 for this license shall be certified in the manner prescribed by the
16 Commissioner by an adjuster licensed in this state or by an insurer
17 who maintains an office in this state and is licensed to do business
18 in this state. A licensed adjuster or insurer who certifies an
19 applicant for this license shall be responsible for any losses
20 caused by the applicant or for any improper claim handling practices
21 committed by the applicant. The employer of this applicant shall
22 certify the application for license as an emergency adjuster to the
23 Commissioner within five (5) days after the applicant begins working
24 as an emergency adjuster for ~~said~~ the employer. The license as an

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

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

16 SECTION 4. This act shall become effective November 1, 2015.
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1 Passed the Senate the 10th day of March, 2015.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2015.

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9 Presiding Officer of the House
10 of Representatives
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