

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 439

By: Quinn

4
5
6 AS INTRODUCED

7 An Act relating to adjusters; amending 36 O.S. 2011,
8 Section 6205 which relates application for license
9 adjuster; modifying requirements for receipt of
10 certain license; prohibiting certain fee unless
11 reducing to writing; providing for contents of
12 certain memorandum; providing for maximum fee for
13 adjuster under certain circumstance; providing for
14 recordkeeping; requiring certain persons to submit
15 certain record to certain person upon request;
16 amending 36 O.S. 2011, Section 6218, which relates to
17 the catastrophes; modifying duration and
18 applicability of license as an emergency adjuster;
19 providing for codification; and providing an
20 effective date.

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

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

24 Section 6205. A. Application for a license as an adjuster
shall be made to the Insurance Commissioner upon forms prescribed
and furnished by the Commissioner. As a part of and in connection
with the application, the applicant shall furnish such information
concerning the applicant's identity, personal history, business

1 experience, business record, and such other pertinent information
2 which the Commissioner shall reasonably require.

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

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

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

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

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

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

23 D. An individual who is a resident of Canada shall not be
24 licensed pursuant to the Insurance Adjusters Licensing Act nor

1 designate this state as the individual's home state, unless the
2 individual has successfully passed the adjuster examination and has
3 complied with all applicable requirements of the Insurance Adjusters
4 Licensing Act; except that any such applicant shall not be required
5 to comply with paragraph 2 of subsection A of Section 6206 of this
6 title or Section 6215 of this title.

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

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

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

22 B. A public adjuster may not recover any fees unless the
23 insurer makes a written claim settlement offer to an insured and
24 that offer is rejected, and a public adjuster may not recover any

1 fees in excess of ten percent (10%) of the difference between the
2 amount of any final claim payment and the rejected claim settlement
3 offer.

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

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

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

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

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

19 SECTION 4. This act shall become effective November 1, 2015.
20

21 55-1-719 GL 1/21/2015 6:18:57 PM
22
23
24