

April 9, 2009

**H 1313. REGULATE PUBLIC ADJUSTERS.** Filed 4/8/09. *TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS.*

Enacts new Article 33A of GS Chapter 58 to require the licensure of insurance public adjusters beginning July 1, 2010. A public adjuster is any person who (1) acts or aids on behalf of an insured in negotiating for the settlement of a claim for loss or damage covered by an insurance contract, (2) advertises for employment as a public adjuster of insurance claims or solicits business as a public adjuster of insurance claims, or (3) directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about first-party claims for losses or damages arising out of policies of insurance. Establishes qualifications for licensure, nonresident licensure reciprocity, continuing education requirements, requirements for a bond or letter of credit for each licensed public adjuster, requirements for contracts between a public adjuster and an insured, record retention requirements, and standards of conduct for public adjusters. Authorizes the Commissioner of Insurance to adopt rules to carry out the purposes of the new Article. Effective July 1, 2010.

**Intro. by Goforth, Wray.**

GS 58

May 12, 2009

**H 1313. REGULATE PUBLIC ADJUSTERS.** Filed 4/8/09. House committee substitute makes the following changes to 1st edition. Makes a technical change only.

June 15, 2009

**H 1313. REGULATE PUBLIC ADJUSTERS.** Filed 4/8/09. Senate committee substitute makes the following changes to 2nd edition. Amends proposed GS 58-33A-15 by amending the requirements in subsection (c) to now require an applicant for a public adjuster license to provide the Commissioner of Insurance (Commissioner) with (1) a complete set of the applicant's fingerprints in a manner prescribed by the Commissioner and (2) a recent passport-size full-face photograph of the applicant. Requires that the applicant's fingerprints be certified by an authorized law enforcement officer. Directs that the fingerprints of every applicant be forwarded to the State Bureau of Investigation (SBI) and if warranted, the SBI is to forward the fingerprints to the FBI for a national criminal history record check. Requires the applicant to pay the cost of the state and any national criminal history record check. Provides that this subsection does not apply to a person applying for renewal or continuation of a home state public adjuster license or a nonresident public adjuster license.

Provides the same guidelines in new subsection (d), governing an applicant that is a business entity, requiring fingerprints, a recent passport size full-face photograph, and the criminal history record checks of each key person in the business entity.

Directs the Commissioner to keep all of the information received pursuant to the criminal background checks on applicants as privileged in accordance with applicable state and federal law, and provides that the information is to be kept confidential and is not a public record under GS Chapter 132.

September 1, 2009

**SL 2009-565 (H 1313). REGULATE PUBLIC ADJUSTERS. AN ACT TO PROVIDE FOR MEANINGFUL REGULATION OF INSURANCE PUBLIC ADJUSTERS.** Summarized in *Daily Bulletin* 4/8/09, 5/12/09, and 6/15/09. Enacted August 28, 2009. Effective July 1, 2010.