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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



# ENROLLED

*Com. Sub. For*  
HOUSE BILL No. *2758*

(By Delegate *s. Carpu, Ashley and*  
*L. White*)



Passed *April 8,* 1993

In Effect *From* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 2758**

(By DELEGATES CARPER, ASHLEY AND L. WHITE)

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[Passed April 8, 1993: in effect from passage.]

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AN ACT to amend and reenact sections four, five, six and eight, article twelve-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section eleven-a, all relating to insurance adjusters; license requirements and exceptions; applications for licenses; fees and exceptions; authorizing emergency insurance adjusters; application of insurance company; approval and limitations.

*Be it enacted by the Legislature of West Virginia:*

That sections four, five, six and eight, article twelve-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section eleven-a, all to read as follows:

**ARTICLE 12B. ADJUSTERS.**

**§33-12B-4. License required; exception for emergency adjusters.**

1 No person shall in West Virginia act as or hold  
2 himself out to be an adjuster unless then licensed

3 therefor pursuant to this article: *Provided*, That the  
4 provisions of this section do not apply to emergency  
5 insurance adjusters as defined in section eleven-a of this  
6 article.

**§33-12B-5. Qualifications for adjuster's license; examina-  
tions; exemptions.**

1 (a) For the protection of the people of West Virginia,  
2 the commissioner shall not issue, renew or permit to  
3 exist any adjuster's license, except to an individual who:

4 (1) Is eighteen years of age or more.

5 (2) Is a resident of West Virginia, except for nonres-  
6 ident adjusters as provided in section nine of this article.

7 (3) Satisfies the commissioner that he is trustworthy  
8 and competent.

9 (b) For purposes of subdivision (3) of subsection (a)  
10 herein, the commissioner may, at his discretion, test the  
11 competency of an applicant for a license under this  
12 section by examination. If such examination is required  
13 by the commissioner, each examinee shall pay a twenty-  
14 five dollar examination fee for each examination to the  
15 commissioner which fees shall be used for the purposes  
16 set forth in section thirteen, article three of this chapter.  
17 The commissioner may, at his discretion, designate an  
18 independent testing service to prepare and administer  
19 such examination subject to direction and approval by  
20 the commissioner, and examination fees charged by  
21 such service shall be paid by the applicant.

22 (c) Any applicant who is engaged in the practice of  
23 professional insurance adjusting prior to the first day of  
24 July, one thousand nine hundred eighty-nine shall be  
25 exempt from the examination requirement of subsection  
26 (b) of this section.

27 (d) The requirements of this section shall not apply to  
28 licenses issued to emergency adjusters as defined in  
29 section eleven-a of this article.

**§33-12B-6. Application.**

1 (a) Application for an adjuster's license or renewal

2 thereof or emergency adjusters' licenses shall be made  
3 to the commissioner upon a form prescribed by him and  
4 shall contain such information and be accompanied by  
5 such supporting documents as the commissioner may  
6 require, and the commissioner may require such  
7 application to be made under the applicant's oath.

8 (b) Willful misrepresentation of any fact in any such  
9 application or any documents in support thereof is a  
10 violation of this chapter.

**§33-12B-8. License fee; exemptions.**

1 The fee for an adjuster's license shall be twenty-five  
2 dollars as provided in section thirteen, article three of  
3 this chapter: *Provided*, That when any other state  
4 imposes a tax, bond, fine, penalty, license fee or other  
5 obligation or prohibition on adjusters resident in this  
6 state, the same tax, bond, fine, penalty, license fee or  
7 other obligation or prohibition shall be imposed upon  
8 adjusters (where licensing of nonresident adjusters is  
9 permitted under this article) of each other state licensed  
10 or seeking a license in this state. All fees and moneys  
11 so collected shall be used for the purposes set forth in  
12 section thirteen, article three of this chapter: *Provided*,  
13 *however*, That the provisions of this section shall not  
14 apply to emergency insurance adjusters as defined in  
15 section eleven-a of this article.

**§33-12B-11a. Emergency adjusters and insurance emer-  
gencies; definitions; authorization of  
temporary emergency adjusters; appli-  
cations; limitations and authority.**

1 (a) For purposes of this section, the following defini-  
2 tions shall apply:

3 (1) "Emergency adjuster" means an individual auth-  
4 orized by the commissioner to act as an insurance  
5 adjuster in the circumstances of an insurance  
6 emergency.

7 (2) "Insurance emergency" means a temporary situa-  
8 tion as declared by the insurance commissioner when  
9 the number of licensed adjusters in the state of West

10 Virginia is inadequate to meet the demands of the  
11 public.

12 (b) Whenever the commissioner determines that a  
13 state insurance emergency exists in the state of West  
14 Virginia, the commissioner may authorize individuals to  
15 be emergency adjusters. The commissioner may autho-  
16 rize such number of additional adjusters as he considers  
17 necessary to adequately address the emergency condi-  
18 tion existing in the state.

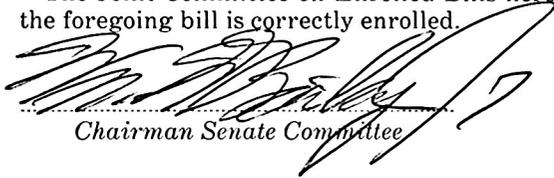
19 (c) Any insurance company licensed to do business in  
20 this state may submit to the commissioner an applica-  
21 tion requesting appointment and authorization of one or  
22 more emergency adjusters. Each such application shall  
23 state the names of any individuals that the company  
24 wishes to be authorized as emergency adjusters and  
25 other information as the commissioner may require.

26 (d) The commissioner shall act on the application  
27 within twenty-four hours after such application has been  
28 submitted to him. Emergency adjusters shall be  
29 authorized to act as such only upon approval of the  
30 application by the commissioner.

31 (e) Any such emergency license is valid only for so  
32 long as the commissioner specifies, not to exceed a  
33 period of one hundred twenty days.

34 (f) During the time an individual is licensed as an  
35 emergency adjuster, he or she has the same power,  
36 authority and responsibility as other adjusters autho-  
37 rized by this article.

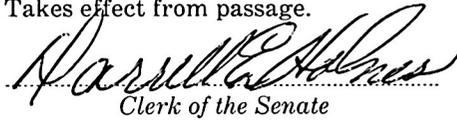
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

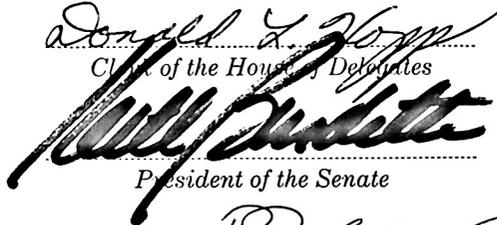
  
Chairman Senate Committee

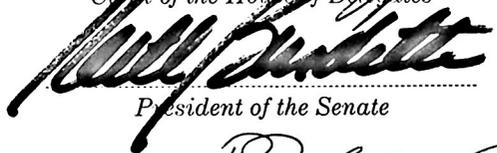
  
Ernest C. Moore  
Chairman House Committee

Originating in the House.

Takes effect from passage.

  
Darrell K. Adkins  
Clerk of the Senate

  
Douglas A. Kopp  
Clerk of the House of Delegates

  
Bill Eubanks  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 12th  
day of May, 1993.  
  
Preston Caperton  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/22/93

Time 11:44am