

1 **§33-12B-1. Definitions.**

2 (a) An "adjuster" is any individual who, for compensation, fee
3 or commission, investigates and settles claims arising under
4 property, casualty or surety insurance contracts, on behalf solely
5 of either the insurer or insured. A licensed attorney who is
6 qualified to practice law in this state is deemed not to be an
7 adjuster for the purposes of this article.

8 (b) "Automated claims adjudication system" means a
9 preprogrammed computer system designed for the collection, data
10 entry, calculation and final resolution of portable electronics
11 insurance claims which:

12 (1) May only be utilized by a licensed adjuster, licensed
13 producer or supervised individuals operating pursuant to section
14 four-a of this article;

15 (2) Must comply with all claims payments requirements of the
16 insurance code; and

17 (3) Must be certified as compliant with this section by a
18 licensed adjuster that is an officer of the entity which employs
19 the individuals operating pursuant to section four-a of this
20 article.

21 ~~(b)~~ (c) "Company adjuster" means an adjuster representing the
22 interests of the insurer, including an independent contractor and
23 a salaried employee of the insurer.

24 ~~(c)~~ (d) "Home state" means the District of Columbia or any

1 state or territory of the United States in which an adjuster
2 maintains his or her principal place of residence or business and
3 in which he or she is licensed to act as a resident adjuster. If
4 a person's principal place of residence or business does not
5 license adjusters for the type of adjuster license sought in this
6 state, he or she shall designate as his or her home state any state
7 in which he or she has such a license.

8 ~~(d)~~ (e) "Public adjuster" means an independent contractor
9 representing solely the financial interests of the insured named in
10 the policy.

11 ~~(e)~~ (f) "Crop adjuster" means a person who adjusts crop
12 insurance claims under the federal crop insurance program
13 administered by the United States Department of Agriculture.

14 **§33-12B-4a. Exemptions from license.**

15 Individuals who collect claim information from, or furnish
16 claim information to, insureds or claimants and who conduct data
17 entry including entering data into an automated claims adjudication
18 system are exempted from licensure under this article: *Provided,*
19 That no more than 25 such persons are under the supervision of one
20 licensed adjuster or licensed producer.

21 **§33-12B-5. Qualifications for adjuster's license; examinations;**
22 **exemptions.**

23 (a) For the protection of the people of West Virginia, the

1 commissioner shall not issue, renew or permit to exist any
2 adjuster's license, except to an individual who:

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

4 (2) Is a resident of West Virginia, except for nonresident
5 adjusters as provided in section nine of this article.

6 (3) Satisfies the commissioner that he or she is trustworthy
7 and competent.

8 (b) (1) The commissioner may, at his or her discretion, test
9 the competency of an applicant for a license under this section by
10 examination. However, in order to qualify for a crop adjuster
11 license, an applicant must pass a written examination that tests
12 the knowledge of the individual concerning the insurance laws of
13 this state and the duties and responsibilities of a multiperil crop
14 adjuster. In lieu of such an examination, the commissioner may
15 accept certification that the individual has passed a proficiency
16 examination approved by the federal Risk Management Agency.

17 (2) If such an examination is required, each examinee shall
18 pay a \$25 examination fee for each examination to the commissioner,
19 which fees shall be used for the purposes set forth in section
20 thirteen, article three of this chapter. The commissioner may, at
21 his or her discretion, designate an independent testing service to
22 prepare and administer such examination subject to direction and
23 approval by the commissioner, and examination fees charged by such
24 service shall be paid by the applicant.

1 (c) The requirements of this section do not apply to licenses
2 issued to emergency adjusters.

3 (d) A resident of Canada may not be licensed pursuant to this
4 article, nor designate this state as his or her home state, unless
5 that person has successfully passed the adjuster examination and
6 has complied with the other applicable portions of this section,
7 except that the applicant is not required to comply with the
8 provisions of subdivision(a) (2) of this section.

9 **§33-12B-9. Licensing of nonresident adjusters.**

10 (a) A nonresident applicant for an adjuster license who holds
11 a similar license in his or her home state may be licensed as a
12 nonresident adjuster in this state if the applicant's home state
13 has established, by law or regulation, like requirements for the
14 licensing of a resident of this state as a nonresident adjuster.

15 (b) As a condition of continuing a nonresident adjuster
16 license, the licensee must maintain a license in his or her home
17 state.

18 (c) If a nonresident adjuster desires to become a resident
19 adjuster he or she must apply to become one within ninety days of
20 establishing legal residency in this state.

21 (d) If a nonresident adjuster has his or her license
22 suspended, terminated or revoked by his or her home state, the
23 adjuster must immediately notify the commissioner of that action.

24 (e) A resident of Canada may not be licensed as a nonresident

1 adjuster under this section unless that person has obtained a
2 resident or home state adjuster license in another state.

NOTE: The purpose of this bill is to create an exemption from licensure as an adjuster or certain individuals who conduct data entry into an automated claims adjudication system for portable electronics insurance claims.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§33-12B-4a is new; therefore, strike-throughs and underscoring have been omitted.