WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

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ENROLLED

Comm. Sub. For
HOUSE BILL NO. 2758....

(By Delegate .... Carpen, Ashby and ....)

L. White

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Passed ...................... April 9, .......................... 1993

In Effect ...................... From ...................... Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2758
(By Delegates Carper, Ashley and L. White)

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

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 himself out to be an adjuster unless then licensed
therefor pursuant to this article: Provided, That the provisions of this section do not apply to emergency insurance adjusters as defined in section eleven-a of this article.

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

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

1. Is eighteen years of age or more.
2. Is a resident of West Virginia, except for nonresident adjusters as provided in section nine of this article.
3. Satisfies the commissioner that he is trustworthy and competent.

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

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

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

§33-12B-6. Application.

(a) Application for an adjuster's license or renewal
thereof or emergency adjusters' licenses shall be made
to the commissioner upon a form prescribed by him and
shall contain such information and be accompanied by
such supporting documents as the commissioner may
require, and the commissioner may require such
application to be made under the applicant's oath.
(b) Willful misrepresentation of any fact in any such
application or any documents in support thereof is a
violation of this chapter.
§33-12B-8. License fee; exemptions.
The fee for an adjuster's license shall be twenty-five
dollars as provided in section thirteen, article three of
this chapter: Provided. That when any other state
imposes a tax, bond, fine, penalty, license fee or other
obligation or prohibition on adjusters resident in this
state, the same tax, bond, fine, penalty, license fee or
other obligation or prohibition shall be imposed upon
adjusters (where licensing of nonresident adjusters is
permitted under this article) of each other state licensed
or seeking a license in this state. All fees and moneys
so collected shall be used for the purposes set forth in
section thirteen, article three of this chapter: Provided,
however, That the provisions of this section shall not
apply to emergency insurance adjusters as defined in
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.
(a) For purposes of this section, the following defini­
tions shall apply:
(1) “Emergency adjuster” means an individual auth­
orized by the commissioner to act as an insurance
adjuster in the circumstances of an insurance
emergency.
(2) “Insurance emergency” means a temporary situa­
tion as declared by the insurance commissioner when
the number of licensed adjusters in the state of West
Virginia is inadequate to meet the demands of the public.

(b) Whenever the commissioner determines that a state insurance emergency exists in the state of West Virginia, the commissioner may authorize individuals to be emergency adjusters. The commissioner may authorize such number of additional adjusters as he considers necessary to adequately address the emergency condition existing in the state.

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

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

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

(f) During the time an individual is licensed as an emergency adjuster, he or she has the same power, authority and responsibility as other adjusters authorized by this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR
Date 4/23/93
Time 11:44am