

FILED

2013 APR 29 PM 6:01

SECRETARY OF STATE

HB 2762

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2013



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 2762**

(By Delegate(s) Miley and Manchin)



Passed April 12, 2013

In effect ninety days from passage.

FILE

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**H. B. 2762**

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(BY DELEGATE(S) MILEY AND MANCHIN)

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[Passed April 12, 2013; in effect ninety days from passage.]

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AN ACT to amend and reenact §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §33-12B-4a, all relating to insurance; licensure of insurance adjusters; definitions, including a definition of “automated claims adjudication system”; providing exemptions for certain individuals from adjuster licensure in this state; and providing that a resident of Canada may be licensed as a nonresident adjuster if that person has obtained a resident or home state adjuster license in another state.

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

That §33-12B-1 and §33-12B-9 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code be amended by adding thereto a new section, designated §33-12B-4a, all to read as follows:

**ARTICLE 12B. ADJUSTERS.**

**§33-12B-1. Definitions.**

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

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

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

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

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

20 (c) “Company adjuster” means an adjuster representing the  
21 interests of the insurer, including an independent contractor and  
22 a salaried employee of the insurer.

23 (d) “Home state” means the District of Columbia or any state  
24 or territory of the United States in which an adjuster maintains  
25 his or her principal place of residence or business and in which  
26 he or she is licensed to act as a resident adjuster. If a person’s  
27 principal place of residence or business does not license  
28 adjusters for the type of adjuster license sought in this state, he

29 or she shall designate as his or her home state any state in which  
30 he or she has such a license.

31 (e) "Public adjuster" means an independent contractor  
32 representing solely the financial interests of the insured named  
33 in the policy.

34 (f) "Crop adjuster" means a person who adjusts crop  
35 insurance claims under the federal crop insurance program  
36 administered by the United States Department of Agriculture.

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

1 Individuals who collect claim information from, or furnish  
2 claim information to, insureds or claimants and who conduct  
3 data entry including entering data into an automated claims  
4 adjudication system are exempt from licensure under this article:  
5 *Provided*, That the individuals are under the supervision of a  
6 licensed adjuster or licensed producer: *Provided however*, That  
7 no more than twenty-five persons are under the supervision of  
8 one licensed adjuster or licensed producer.

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

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

6 (b) As a condition of continuing a nonresident adjuster  
7 license, the licensee must maintain a license in his or her home  
8 state.

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

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

15 (e) A resident of Canada may be licensed as a nonresident  
16 adjuster under this section if that person has obtained a resident  
17 or home state adjuster license in another state.

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

*Danny Wells*  
Chairman, House Committee

*Rocky Fisher*  
~~Member~~ ~~Chairman~~ Senate Committee

Originating in the House.

In effect ninety days from passage.

*Bryce D. Hill*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*Rocky*  
Speaker of the House of Delegates

*Jeffrey A.*  
President of the Senate

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The within *is approved* this the *29th*  
day of *April*, 2013.

*Carl Roy Tomels*  
Governor

**PRESENTED TO THE GOVERNOR**

**APR 25 2013**

**Time** 11:40 am