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.
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.

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

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

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

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

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

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

(d) "Home state" means the District of Columbia or any state or territory of the United States in which an adjuster maintains his or her principal place of residence or business and in which he or she is licensed to act as a resident adjuster. If a person's principal place of residence or business does not license adjusters for the type of adjuster license sought in this state, he...
or she shall designate as his or her home state any state in which he or she has such a license.

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

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

§33-12B-4a. Exemptions from license.

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

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

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

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

(c) If a nonresident adjuster desires to become a resident adjuster he or she must apply to become one within ninety days of establishing legal residency in this state.
(d) If a nonresident adjuster has his or her license suspended, terminated or revoked by his or her home state, the adjuster must immediately notify the commissioner of that action.

(e) A resident of Canada may be licensed as a nonresident adjuster under this section if that person has obtained a resident or home state adjuster license in another state.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Member - Chairman Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within is approved this the ___ day of ___ 2013.

Governor
PRESENTED TO THE GOVERNOR

APR 25 2013

Time 11:40 AM