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Chapter No. 313

12/SS01/R982

JN / TB/EC

SENATE BILL NO. 2618

Originated in Senate

L. Welch

Secretary

SENATE BILL NO. 2618

AN ACT TO AMEND SECTION 83-17-401, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF "ADJUSTER" WITHIN THE LAWS REGARDING LICENSING OF INSURANCE ADJUSTERS TO MAKE AN EXCEPTION FOR PERSONS WHO COLLECT CLAIM INFORMATION FROM, OR FURNISH CLAIM INFORMATION TO, INSURED OR CLAIMANTS, AND WHO PERFORM DATA ENTRY INCLUDING ENTERING DATA INTO AN AUTOMATED CLAIMS ADJUDICATION SYSTEM, IF THE PERSON IS AN EMPLOYEE OF A LICENSED INDEPENDENT ADJUSTER OR ITS AFFILIATE WHERE NO MORE THAN 25 SUCH PERSONS ARE UNDER THE SUPERVISION OF ONE LICENSED INDEPENDENT ADJUSTER OR LICENSED AGENT; TO AMEND SECTION 83-17-407, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE COMMISSIONER OF INSURANCE FROM DENYING RECIPROCITY FOR AN INSURANCE ADJUSTER APPLICANT WITH A VALID LICENSE FROM ANOTHER STATE SOLELY BECAUSE THAT PERSON IS NOT A RESIDENT OF THE UNITED STATES OF AMERICA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-17-401, Mississippi Code of 1972, is amended as follows:

83-17-401. As used in this article, unless the context otherwise requires:

(a) "Adjuster" means any person who, as an independent contractor, or as an employee of an independent contractor, adjustment bureau, association, insurance company or corporation, managing general agent or self-insured, investigates or adjusts losses on behalf of either an insurer or a self-insured, or any person who supervises the handling of claims. "Adjuster" shall not include:

(i) An attorney-at-law who adjusts insurance losses from time to time and incidental to the practice of law, and who does not advertise or represent that he is an adjuster;

(ii) A salaried employee of an insurer who is regularly engaged in the adjustment, investigation or supervision of insurance claims;

(iii) Persons employed only for the purpose of furnishing technical assistance to a licensed adjuster, including, but not limited to, photographers, estimators, private detectives, engineers, handwriting experts and attorneys-at-law;

(iv) A licensed agent or general agent of an authorized insurer who processes undisputed or uncontested losses, or both, for such insurer under policies issued by the licensed agent or general agent;

(v) A person who performs clerical duties with no negotiations with the parties on disputed or contested claims, or both;

(vi) Any person who handles claims arising under life, accident and health insurance policies; * * *

(vii) Any person who is a multiperil crop insurance adjuster; or

(viii) Any person who collects claim information from, or furnishes claim information to, insureds or claimants, and who performs data entry including entering data into an automated claims adjudication system, if the person is an employee of a licensed independent adjuster or its affiliate where no more than twenty-five (25) such persons are under the supervision of one (1) licensed independent adjuster or licensed agent. A licensed agent who is acting as a supervisor and adjusting portable electronics insurance claims in accordance with this subparagraph does not need to be licensed as an adjuster.

(b) "Insurer" means any insurance company or self-insured.

(c) "Commissioner" means the Commissioner of Insurance.

(d) "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:

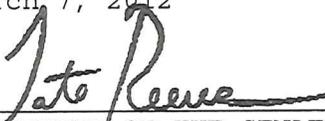
(i) May only be utilized by a licensed independent adjuster, licensed agent or supervised persons operating in accordance with paragraph (a)(viii) of this section; and
(ii) Must comply with all claims payment requirements of the insurance code; and must be certified as compliant with this section by a licensed independent adjuster that is an officer of a licensed business entity under this chapter.

SECTION 2. Section 83-17-407, Mississippi Code of 1972, is amended as follows:

83-17-407. The commissioner may waive any license requirement for an applicant with a valid license from another state having license requirements substantially equivalent to those of this state. No applicant with a valid license from another state shall be rejected solely on the basis that the individual is not a resident of the United States of America.

SECTION 3. This act shall take effect and be in force from and after July 1, 2012.

PASSED BY THE SENATE
March 7, 2012



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 21, 2012



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

Signed
12:37 P.M.