

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 5, 2013

Date

Committee on Business, Labor, Economic, & Workforce Development.

After consideration on the merits, the Committee recommends the following:

HB13-1062 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 5, line 4, after "ASSISTANCE" insert "OF AN
2 INCIDENTAL NATURE".
- 3 Page 6, line 18, strike "A CLAIMANT" and substitute "AN INSURED".
- 4 Page 6, line 23, strike "THE CLAIMANT" and substitute "AN INSURED".
- 5 Page 7, strike lines 10 and 11 and substitute "COMMISSIONER THROUGH A
6 SURETY BOND EXECUTED AND ISSUED BY AN INSURER".
- 7 Page 7, line 13, strike "(A)" and substitute "(I)".
- 8 Page 7, line 15, strike "(B)" and substitute "(II)".
- 9 Page 7, line 21, strike "(C)" and substitute "(III)".
- 10 Page 7, line 23, strike "LICENSEE; OR" and substitute "LICENSEE."
- 11 Page 7, strike lines 24 through 27.
- 12 Page 8, strike lines 1 through 9.
- 13 Page 8, strike lines 11 and 12 and substitute "SHALL NOTIFY THE
14 COMMISSIONER UPON TERMINATION OF THE BOND, UNLESS OTHERWISE

1 DIRECTED BY THE COMMISSIONER."

2 Page 8, strike lines 15 and 16 and substitute:

3 "(d) THE COMMISSIONER SHALL SUMMARILY SUSPEND THE
4 AUTHORITY TO ACT AS A PUBLIC ADJUSTER IF THE EVIDENCE OF
5 FINANCIAL".

6 Page 9, strike lines 2 through 5.

7 Renumber succeeding subsections accordingly.

8 Page 10, strike lines 1 and 2 and substitute "THE WRITTEN CONTRACT
9 WITH THE INSURED".

10 Page 10, strike lines 7 and 8 and substitute:

11 "(f) A PUBLIC ADJUSTER SHALL NOT REFER OR DIRECT THE INSURED
12 TO GET".

13 Page 10, strike lines 15 through 26 and substitute:

14 "(g) A PUBLIC ADJUSTER SHALL NOT PARTICIPATE DIRECTLY OR
15 INDIRECTLY IN THE RECONSTRUCTION, REPAIR, OR RESTORATION OF
16 DAMAGED PROPERTY THAT IS THE SUBJECT OF A CLAIM ADJUSTED BY THE
17 PUBLIC ADJUSTER.

18 (h) A PUBLIC ADJUSTER SHALL NOT ENGAGE IN ANY OTHER
19 ACTIVITIES THAT MAY REASONABLY BE CONSTRUED AS PRESENTING A
20 CONFLICT OF INTEREST, INCLUDING SOLICITING OR ACCEPTING ANY
21 REMUNERATION FROM, OR HAVING A FINANCIAL INTEREST IN, ANY
22 SALVAGE FIRM, REPAIR FIRM, OR OTHER FIRM THAT OBTAINS BUSINESS IN
23 CONNECTION WITH ANY CLAIM THE PUBLIC ADJUSTER HAS A CONTRACT OR
24 AGREEMENT TO ADJUST."

25 Page 11, line 6, strike "CURRENT".

26 Page 11, line 9, strike "MALICIOUSLY".

27 Page 11, strike line 15 and substitute:

28 "(IV) (A) THE INSURED MAY RESCIND ANY CONTRACT OR OTHER

1 FORM OF AGREEMENT FOR REPRESENTATION IN A PROPERTY OR CASUALTY
2 LOSS OR CLAIM IF THE INSURED EXERCISES THIS RIGHT OF RESCISSION IN
3 WRITING ADDRESSED TO THE INSURER AND THE PUBLIC ADJUSTER AND
4 PUTS THE WRITTEN RESCISSION, POSTAGE PREPAID, IN THE UNITED STATES
5 MAIL WITHIN SEVENTY-TWO HOURS AFTER SIGNING A SETTLEMENT
6 REPRESENTATION AGREEMENT. ALL PUBLIC ADJUSTERS TAKING A
7 REPRESENTATIVE AGREEMENT TO RESOLVE A PROPERTY OR CASUALTY
8 LOSS OR CLAIM ON BEHALF OF AN INSURED SHALL GIVE TO THE INSURED
9 WRITTEN NOTICE OF, AND DIRECTION AS TO, THE ABILITY TO EXERCISE THE
10 INSURED'S RIGHT OF RESCISSION.

11 (B) A PUBLIC ADJUSTER SHALL NOT ENTER INTO A CONTRACT".

12 Page 11, strike lines 17 and 18 and substitute "THE REQUIRED RESCISSION
13 PERIOD UNDER SUB-SUBPARAGRAPH (A) OF THIS SUBPARAGRAPH (IV);

14 Page 12, strike lines 2 through 4 and substitute "to carry out ~~the~~
15 ~~provisions of this section, including: establishing nonrefundable fees and~~
16 ~~testing requirements for all applicants for licensure.~~".

17 Page 12, line 5, strike "(b)" and substitute "(a)".

18 Page 12, line 7, strike "(c)" and substitute "(b)".

** ** ** ** **