

1 **§33-12B-1. Definitions.**

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

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

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

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

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

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

24 (d) "Home state" means the District of Columbia or any state

1 or territory of the United States in which an adjuster maintains
2 his or her principal place of residence or business and in which he
3 or she is licensed to act as a resident adjuster. If a person's
4 principal place of residence or business does not license adjusters
5 for the type of adjuster license sought in this state, he or she
6 shall designate as his or her home state any state in which he or
7 she has such a license.

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

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

14 **§33-12B-4a. Exemptions from license.**

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

23 **§33-12B-9. Licensing of nonresident adjusters.**

24 (a) A nonresident applicant for an adjuster license who holds

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

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

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

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

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