1	State of Arkansas	As Engrossed: \$3/21/11
2	88th General Assembly	A Bill
3	Regular Session, 2011	SENATE BILL 378
4		
5	By: Senators Elliott, S. Harrelson	
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7		For An Act To Be Entitled
8	AN ACT TO PRO	VIDE INSURANCE CONSUMERS THE RIGHT TO
9	EMPLOY THEIR	OWN INSURANCE ADJUSTER; TO AUTHORIZE
10	PUBLIC ADJUST	ING; AND FOR OTHER PURPOSES.
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13		Subtitle
14	TO AUTHO	DRIZE PUBLIC ADJUSTING BY
15	PROVIDIN	IG INSURANCE CONSUMERS THE RIGHT
16	TO EMPLO	DY THEIR OWN INSURANCE ADJUSTER.
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19	BE IT ENACTED BY THE GENE	RAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21	SECTION 1. Arkansa	s Code § 23-64-102(4), concerning the definition of
22	"adjuster", is amended to	read as follows:
23	(4)(A) <del>An "a</del>	<del>djuster" is</del> <u>"Adjuster" means</u> an individual, firm,
24	limited liability company	, or corporation $rac{who}{hat}$ for compensation as an
25	independent contractor or	as <del>the</del> <u>an</u> employee of an independent contractor <del>or</del>
26	for <u>a</u> fee or commission i	nvestigates and negotiates <del>, on behalf of the</del>
27	insurer, <u>the</u> settlement o	f claims arising under <u>an</u> insurance <del>contracts</del>
28	contract on behalf of:	
29	<u>)</u>	i) The insurer; or
30	<u>)</u>	ii) An insured if the claim arises under an
31	insurance contract that insures the real property or personal property of the	
32	<u>insured.</u>	
33	(B) A	licensed attorney at law who is qualified to
34	practice law in this stat	e is not deemed to be an "adjuster" for the purposes
35	of this chapter.	



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1 (C) A salaried employee of an insurer or of a n	managing
2 general agent or of any an adjustment bureau or association owned	
3 maintained by insurers to adjust losses of member insurers is not	aeemea Lo
4 be an "adjuster" for the purposes of this chapter.	
5 (D) A resident agent or marine average adjuster	
6 agent or broker who adjusts or assists in adjustment of losses ar.	U
<ul> <li>7 policies procured through the broker or issued by the insurer rep.</li> <li>8 the agent that is appointed by the insurer shall not be deemed to</li> </ul>	•
the agent that is appointed by the insurer shall not be deemed to be an	
"adjuster" for the purposes of this chapter.	
10 (E)(i) The commissioner may issue "limited adju	usters'
11 licenses" to persons who are sponsored and are employees of self-	insured,
12 self-funded, entities for purposes of the adjustment of claims for	r or on the
13 behalf of that self-insured sponsoring entity.	
14 <i>(ii)</i> The limited license shall be valid of	only while
15 the employee is employed by the sponsoring self-insured entity.	
16 <i>(iii) Qualifications, fees, and other as</i>	pects of
licensure for "limited adjusters' licenses" shall be as established by	
18 regulation <del>;</del>	
(F) The commissioner may promulgate rules to implement and	
20 <u>enforce this section;</u>	
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22 /s/Elliott	
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