

ASSEMBLY BILL NO. 12—COMMITTEE
ON COMMERCE AND LABOR

(ON BEHALF OF THE DIVISION OF INSURANCE OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY)

PREFILED NOVEMBER 15, 2016

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes relating to insurance
adjusters. (BDR 57-465)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to adjusters; requiring adjusters to complete certain continuing education; establishing standards of conduct for adjusters; providing for the licensing of nonresident adjusters; revising provisions relating to the licensing of adjusters; authorizing the issuance of temporary emergency licenses for adjusters in a catastrophe; exempting certain persons from the requirement to pass an examination before issuance of a license as an adjuster; authorizing the Commissioner of Insurance to enter into certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law prohibits a person from acting as or holding himself or herself out
2 to be an adjuster without a license. (NRS 684A.040) **Section 7** of this bill requires
3 certain natural persons who hold a license as an adjuster to complete certain courses
4 of continuing education before the license may be renewed. **Section 8** of this bill
5 requires an adjuster to adhere to certain standards of conduct. **Section 9** of this bill
6 provides for the issuance of nonresident licenses as an adjuster. **Section 10** of this
7 bill authorizes the Commissioner of Insurance to promulgate reasonable regulations
8 relating to adjusters. **Section 15.5** of this bill authorizes the Commissioner to
9 license an individual as a company adjuster or a staff adjuster, in addition to the
10 current types of licensure. (NRS 684A.050)



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Section 17 of this bill provides for the temporary emergency licensure of natural persons as adjusters in the event of a declared catastrophe. Section 17 also imposes upon an applicant for a temporary emergency license the requirement to pay all fees that apply to an adjuster. Section 21 of this bill exempts a person who is licensed as an adjuster in another state from the requirement to pass an examination before being issued a license in this State in certain circumstances. Section 22 of this bill authorizes the Commissioner to enter into a contract with a nongovernmental entity to perform ministerial duties relating to licensing. Sections 12, 14, 15-20 and 23-25 of this bill make various revisions relating to the licensing of adjusters.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 683A.085 is hereby amended to read as follows:

683A.085 No person may act as, offer to act as or hold himself or herself out to the public as an administrator, unless ~~that~~ :

1. The person has obtained a certificate of registration as an administrator from the Commissioner pursuant to NRS 683A.08524 ~~that~~ ;

2. If the person is an individual and adjusts workers' compensation claims in this State, the person is licensed pursuant to chapter 684A of NRS; and

3. If any employee of the person adjusts workers' compensation claims in this State, each such employee who adjusts workers' compensation claims in this State is licensed pursuant to chapter 684A of NRS.

Sec. 1.5. Chapter 684A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. "Business entity" means a corporation, association, partnership, limited-liability company, limited-liability partnership or other legal entity.

Sec. 3. "Catastrophe" means an event that:

1. Results in large numbers of deaths or injuries, causes extensive damage or destruction of facilities that provide and sustain human needs, produces an overwhelming demand on state and local response resources and mechanisms, causes a severe, long-term effect on general economic activity or severely affects state, local and private sector capabilities to begin and sustain response activities; and

2. Is declared by the Governor.

Sec. 4. "Person" means an individual or business entity.

Sec. 5. "Uniform Business Entity Application" means the current version of the Uniform Application for Business Entity



1 *License/Registration for resident and nonresident business entities*
2 *published by the National Association of Insurance*
3 *Commissioners.*

4 **Sec. 6.** *“Uniform Individual Application” means the current*
5 *version of the Uniform Application for Individual Producer*
6 *License/Registration for resident and nonresident individuals*
7 *published by the National Association of Insurance*
8 *Commissioners.*

9 **Sec. 7.** 1. *Except as otherwise provided in subsection 2, an*
10 *individual who holds a license as an adjuster must satisfactorily*
11 *complete a minimum of 24 hours of courses of continuing*
12 *education, of which 3 hours must be in ethics, which are reported*
13 *to the Commissioner as a condition for the renewal of his or her*
14 *license.*

15 2. *This section does not apply to an individual who:*

16 (a) *Holds a nonresident license as an adjuster; and*

17 (b) *Has met the continuing education requirements of his or*
18 *her home state.*

19 **Sec. 8.** 1. *An adjuster shall be honest and fair in all*
20 *communications with the insured, the insurer and the public.*

21 2. *An adjuster shall give policyholders and claimants prompt,*
22 *knowledgeable service and courteous, fair and objective treatment*
23 *at all times.*

24 3. *An adjuster shall not give legal advice and shall not deal*
25 *directly with any policyholder or claimant who is represented by*
26 *legal counsel without the consent of the legal counsel involved.*

27 4. *An adjuster shall comply with all local, state and federal*
28 *privacy and information security laws, if applicable.*

29 5. *An adjuster shall identify himself or herself as an adjuster*
30 *and, if applicable, identify his or her employer when dealing with*
31 *any policyholder or claimant.*

32 6. *An adjuster shall not have any financial interest in any*
33 *adjustment or acquire for himself or herself or any person any*
34 *interest or title in salvage without first receiving written authority*
35 *from the principal.*

36 **Sec. 9.** 1. *The Commissioner shall issue a nonresident*
37 *license as an adjuster to a nonresident person if:*

38 (a) *The person is currently licensed in good standing as an*
39 *adjuster in the resident or home state of the person;*

40 (b) *The person has submitted the proper request for licensure*
41 *and has paid the fees required pursuant to NRS 680B.010 and, in*
42 *addition to any other fee or charge, all applicable fees required*
43 *pursuant to NRS 680C.110;*



1 (c) The person has submitted or transmitted to the
2 Commissioner the appropriate completed application for
3 licensure; and

4 (d) The home state of the person awards nonresident licenses
5 as an adjuster to persons of this State on the same basis.

6 2. The Commissioner may verify the licensing status of the
7 nonresident person through any appropriate database, including,
8 without limitation, the Producer Database maintained by the
9 National Insurance Producer Registry, its affiliates or
10 subsidiaries, or may request that the nonresident person submit
11 proof that the nonresident person is licensed and in good standing
12 in the person's home state as an adjuster.

13 3. As a condition to the continuation of a nonresident license
14 as an adjuster, the nonresident adjuster shall maintain a resident
15 license as an adjuster in the home state of the adjuster. A
16 nonresident license as an adjuster issued under this section shall
17 be terminated and must be surrendered immediately to the
18 Commissioner if the resident license as an adjuster in the home
19 state is terminated for any reason, unless:

20 (a) The termination is due to the nonresident adjuster being
21 issued a new resident license as an adjuster in a new home state;
22 and

23 (b) The new resident license as an adjuster is from a state that
24 has reciprocity with this State.

25 4. The Commissioner shall give notice of the termination of a
26 resident license as an adjuster within 30 days after the date of the
27 termination to any states that issued a nonresident license as an
28 adjuster to the holder of the resident license. If the resident license
29 as an adjuster was terminated due to a change in the home state of
30 the adjuster, the notice must include both the previous and current
31 address of the adjuster.

32 5. The Commissioner shall terminate a nonresident license as
33 an adjuster issued pursuant to this section if the adjuster
34 establishes legal residency in this State and fails to apply for a
35 resident license as an adjuster within 90 days after establishing
36 legal residency.

37 **Sec. 10.** The Commissioner may promulgate reasonable
38 regulations as are necessary or proper to carry out the purposes of
39 this chapter.

40 **Sec. 11.** NRS 684A.015 is hereby amended to read as follows:
41 684A.015 As used in this Code, unless the context otherwise
42 requires, the words and terms defined in NRS 684A.020 to
43 684A.030, inclusive, *and sections 2 to 6, inclusive, of this act* have
44 the meanings ascribed to them in those sections.



1 **Sec. 12.** NRS 684A.020 is hereby amended to read as follows:

2 684A.020 1. Except as otherwise provided in subsection 2,
3 “adjuster” means any person who, for compensation ~~as an~~
4 ~~independent contractor or for~~, *including, without limitation*, a fee
5 or commission, investigates and settles, and reports to his or her
6 principal relative to, claims:

7 (a) Arising under insurance contracts for property, casualty or
8 surety coverage, *including, without limitation, workers’*
9 *compensation coverage*, on behalf solely of the insurer or the
10 insured; or

11 (b) Against a self-insurer who is providing similar coverage . ~~†~~
12 ~~unless the coverage provided relates to a claim for industrial~~
13 ~~insurance.~~

14 2. For the purposes of this chapter:

15 (a) An associate adjuster, as defined in NRS 684A.030;

16 (b) An attorney at law who adjusts insurance losses from time to
17 time incidental to the practice of his or her profession;

18 (c) An adjuster of ocean marine losses;

19 (d) A salaried employee of an insurer ~~†~~, *unless the employee:*
20 *(1) Investigates, negotiates or settles workers’*
21 *compensation claims; and*

22 *(2) Obtains a license pursuant to this chapter;*

23 (e) A salaried employee of a managing general agent
24 maintaining an underwriting office in this state;

25 (f) An employee of an independent adjuster or an employee of
26 an affiliate of an independent adjuster who is one of not more than
27 25 such employees under the supervision of an independent adjuster
28 or licensed agent and who:

29 (1) Collects information relating to a claim for coverage
30 arising under an insurance contract from or furnishes such
31 information to an insured or a claimant; and

32 (2) Conducts data entry, including, without limitation,
33 entering data into an automated claims adjudication system;

34 (g) A licensed agent who supervises not more than 25
35 employees described in paragraph (f);

36 (h) A person who is employed only to collect factual
37 information concerning a claim for coverage arising under an
38 insurance contract;

39 (i) A person who is employed ~~only~~ *solely* to ~~provide~~ *obtain*
40 *facts surrounding a claim or to furnish* technical assistance to ~~an~~
41 *a licensed* independent adjuster;

42 (j) A person who is employed to investigate suspected
43 fraudulent *insurance* claims ~~for coverage arising under an~~
44 ~~insurance contract~~ but who does not adjust losses or determine the
45 payment of claims;



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(k) A person who performs only executive, administrative, managerial or clerical duties, or any combination thereof, but does not investigate , *negotiate* or settle claims ~~for coverage arising under an insurance contract;~~ *with a policyholder or claimant or the legal representative of a policyholder or claimant;*

(l) A licensed health care provider or any employee thereof who provides managed care services if those services do not include the determination of compensability;

(m) A managed care organization or any employee thereof or an organization that provides managed care services or any employee thereof if the services provided do not include the determination of compensability;

(n) A person who settles only reinsurance or subrogation claims;

(o) A broker, agent or representative of a risk retention group;

(p) An attorney-in-fact of a reciprocal insurer; ~~for~~

(q) A manager of a branch office of an alien insurer that is located in the United States ~~for~~ ; or

(r) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524, unless the person investigates, negotiates or settles workers' compensation claims,

↪ is not considered an adjuster.

Sec. 13. NRS 684A.027 is hereby amended to read as follows:

684A.027 "Home state" means:

1. The District of Columbia or any state or territory of the United States in which an *independent, company, staff or public* adjuster maintains his , ~~for~~ her *or its* principal place of residence or principal place of business and is licensed to act as ~~an~~ *a resident independent, company, staff or public* adjuster; or

2. If neither the state in which the adjuster maintains his or her principal place of residence nor the state in which the adjuster maintains his , ~~for~~ her *or its* principal place of business ~~has a licensing or examination requirement;~~ *licenses independent, company, staff or public adjusters for the line of authority sought by the adjuster,* a state:

(a) Which has an examination requirement;

(b) In which the adjuster is licensed; and

(c) Which the adjuster declares to be the home state.

Sec. 14. NRS 684A.030 is hereby amended to read as follows:

684A.030 1. "Independent adjuster" means an adjuster *who* ~~is~~ representing the interests of an insurer or a self-insurer ~~for~~ *and who:*



1 (a) *Contracts for compensation with the insurer or self-insurer*
2 *as an independent contractor or an employee of an independent*
3 *contractor;*

4 (b) *Is treated for tax purposes by the insurer or self-insurer in*
5 *a manner consistent with an independent contractor rather than*
6 *an employee; and*

7 (c) *Investigates, negotiates or settles property, casualty or*
8 *surety claims, including, without limitation, workers'*
9 *compensation claims, for the insurer or self-insurer.*

10 2. "Public adjuster" means an adjuster employed by and
11 representing solely the financial interests of the insured named in
12 the policy. *The term does not include an adjuster who investigates,*
13 *negotiates or settles workers' compensation claims.*

14 3. "Company adjuster" means a salaried employee of an
15 insurer who:

16 (a) *Investigates, negotiates or settles workers' compensation*
17 *claims; and*

18 (b) *Obtains a license pursuant to this chapter.*

19 4. "Staff adjuster" means a person who investigates,
20 negotiates or settles workers' compensation claims under the
21 authority of a third-party administrator who holds a certificate of
22 registration issued by the Commissioner pursuant to
23 NRS 683A.08524.

24 5. "Associate adjuster" means an employee of an adjuster who,
25 under the direct supervision of the adjuster, assists in the
26 investigation and settlement of insurance losses on behalf of his or
27 her employer.

28 **Sec. 15.** NRS 684A.040 is hereby amended to read as follows:

29 684A.040 1. ~~No~~ *Except as otherwise provided in NRS*
30 *684A.060, no* person may act as, or hold himself or herself out to
31 be, an adjuster or associate adjuster in this State unless then licensed
32 as such under the applicable ~~independent adjuster's license, public~~
33 ~~adjuster's license or associate adjuster's license, as the case may be,~~
34 issued under the provisions of this chapter.

35 2. Any person violating the provisions of this section is guilty
36 of a gross misdemeanor.

37 3. ~~IA~~ *Except as otherwise provided in NRS 684A.060, a*
38 person who acts as an adjuster in this State without a license is
39 subject to an administrative fine of not more than \$1,000 for each
40 violation.

41 4. *A salaried employee of an insurer who investigates,*
42 *negotiates or settles workers' compensation claims may, but is not*
43 *required to, obtain a license as a company adjuster pursuant to*
44 *this chapter. The provisions of subsections 1, 2 and 3 do not apply*
45 *to a salaried employee of an insurer.*



1 **Sec. 15.5.** NRS 684A.050 is hereby amended to read as
2 follows:

3 684A.050 **1.** The Commissioner may license an individual as
4 ~~either~~ an independent adjuster , ~~for as~~ a public adjuster ~~[-]~~ , *a*
5 *company adjuster or a staff adjuster.* No individual shall be
6 licensed concurrently under the same license or separate licenses as
7 ~~an independent adjuster and as a public~~ *more than one such type*
8 *of* adjuster.

9 **2.** *A company adjuster and a staff adjuster shall pay the same*
10 *fees as provided for an independent adjuster in NRS 680B.010 and*
11 *680C.110.*

12 **Sec. 16.** NRS 684A.055 is hereby amended to read as follows:

13 684A.055 No person who is engaged in the business of
14 repairing the bodies of automobiles may:

15 1. Be licensed pursuant to this chapter.

16 2. Own a controlling interest in a ~~firm or corporation~~
17 *business entity* licensed pursuant to NRS 684A.080.

18 **Sec. 17.** NRS 684A.060 is hereby amended to read as follows:

19 684A.060 **1.** On behalf of, as authorized by, an insurer as to
20 which he or she is licensed as an agent under chapter 683A of NRS,
21 an agent may from time to time act as an adjuster without a license
22 as an adjuster; but no such agent shall act as an adjuster for an
23 insurer with which the agent has a contract providing for
24 compensation retrospectively contingent upon losses incurred under
25 insurance sold or serviced by the agent.

26 **2.** No license shall be required of a nonresident salaried
27 adjuster ~~for independent adjuster~~ for the adjustment in this state of
28 one or more losses arising out of a catastrophe common to all such
29 losses where such losses are designated to be a catastrophe by
30 responsible insurance associations or the Commissioner.

31 **3.** *In the event of a catastrophe, an insurer shall notify the*
32 *Commissioner by an application for the issuance of a temporary*
33 *emergency license for each individual who is not already licensed*
34 *in this State and who will act as an emergency adjuster on behalf*
35 *of the insurer. The Commissioner, by regulation, shall establish*
36 *standards and procedures to allow for the temporary emergency*
37 *licensure of an emergency adjuster in this State.*

38 **4.** *An individual who is not already licensed in this State but*
39 *who is otherwise qualified to adjust claims may act as an*
40 *emergency adjuster and adjust claims if, within 5 days after*
41 *deploying the individual to adjust claims arising from the*
42 *catastrophe, the insurer notifies the Commissioner by providing*
43 *the following information in a format prescribed by the*
44 *Commissioner:*

45 **(a)** *The name of the individual;*



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- (b) *The social security number of the individual;*
- (c) *The name of the insurer the individual will represent;*
- (d) *The effective date of the contract between the insurer and the individual;*
- (e) *The catastrophe or loss control number;*
- (f) *The name of the catastrophe; and*
- (g) *Any other information the Commissioner deems necessary.*

5. *The temporary emergency license of an individual as an emergency adjuster is valid for not more than 90 days unless extended by the Commissioner.*

6. *For the protection of the people of this State, the Commissioner may not issue a temporary emergency license except in compliance with the provisions of this chapter. Any individual for whom a temporary emergency license is issued must:*

- (a) *Be at least 18 years of age;*
- (b) *Be competent, trustworthy, financially responsible and of good reputation, as determined by the Commissioner;*
- (c) *Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion or conspiracy to defraud and never have committed any act that is a ground for refusal to issue, suspension or revocation of a license pursuant to NRS 683A.451.*

7. *An application for a temporary emergency license must be accompanied by the license fee specified for an adjuster in NRS 680B.010 and, in addition to any other fee or charge, all fees required for an adjuster pursuant to NRS 680C.110.*

Sec. 18. NRS 684A.070 is hereby amended to read as follows:
684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

- (a) Be at least 18 years of age;
- (b) *Be eligible to declare this State as his or her home state;*
- (c) Be competent, trustworthy, financially responsible and of good reputation ~~†~~

~~—(e)†~~ *, as determined by the Commissioner;*

(d) Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion ~~†~~ *or conspiracy to defraud* ~~for any crime involving moral turpitude;~~

~~—(d)†~~ ;



1 *(e) Except as otherwise provided in subsection 4, never have*
2 *committed any act that is a ground for refusal to issue, suspension*
3 *or revocation of a license pursuant to NRS 683A.451;*

4 *(f) Unless exempted pursuant to NRS 684A.100 or 684A.105,*
5 *successfully complete a prelicensing course of study prescribed by*
6 *the Commissioner by regulation and* pass all examinations required
7 under this chapter; and

8 ~~(e)~~ (g) Not be concurrently licensed as a producer of insurance
9 for property, casualty or surety or a surplus lines broker, except as a
10 bail agent.

11 2. A natural person who is a resident of this State applying for
12 a license must, as part of his or her application and at the applicant's
13 own expense:

14 (a) Arrange to have a complete set of his or her fingerprints
15 taken by a law enforcement agency or other authorized entity
16 acceptable to the Commissioner; and

17 (b) Submit to the Commissioner:

18 (1) A completed fingerprint card and written permission
19 authorizing the Commissioner to submit the applicant's fingerprints
20 to the Central Repository for Nevada Records of Criminal History
21 for submission to the Federal Bureau of Investigation for a report on
22 the applicant's background and to such other law enforcement
23 agencies as the Commissioner deems necessary; or

24 (2) Written verification, on a form prescribed by the
25 Commissioner, stating that the fingerprints of the applicant were
26 taken and directly forwarded electronically or by another means to
27 the Central Repository and that the applicant has given written
28 permission to the law enforcement agency or other authorized entity
29 taking the fingerprints to submit the fingerprints to the Central
30 Repository for submission to the Federal Bureau of Investigation for
31 a report on the applicant's background and to such other law
32 enforcement agencies as the Commissioner deems necessary.

33 3. The Commissioner may:

34 (a) Unless the applicant's fingerprints are directly forwarded
35 pursuant to subparagraph (2) of paragraph (b) of subsection 2,
36 submit those fingerprints to the Central Repository for submission
37 to the Federal Bureau of Investigation and to such other law
38 enforcement agencies as the Commissioner deems necessary;

39 (b) Request from each such agency any information regarding
40 the applicant's background as the Commissioner deems necessary;
41 and

42 (c) Adopt regulations concerning the procedures for obtaining
43 this information.

44 4. ~~A conviction of, or plea of guilty, guilty but mentally ill or~~
45 ~~nolo contendere by, an applicant or licensee for any crime listed in~~



1 ~~paragraph (c) of subsection 1 is a sufficient ground for the~~
2 ~~Commissioner to deny a license to the applicant, or to suspend,~~
3 ~~revoke or limit the license of an adjuster pursuant to NRS~~
4 ~~684A.210.} *The Commissioner may waive the requirements of*~~
5 ~~*paragraph (d) or (e) of subsection 1 for good cause shown.*~~

6 *5. For the purposes of paragraph (f) of subsection 1, the*
7 *Commissioner shall adopt regulations establishing a prelicensing*
8 *course of study for an adjuster.*

9 **Sec. 19.** NRS 684A.080 is hereby amended to read as follows:

10 684A.080 1. ~~{A firm or corporation may be licensed either as~~
11 ~~an independent adjuster or public adjuster. Each general partner and~~
12 ~~each other natural person to act for the firm, or each natural person~~
13 ~~to act for the corporation, must be named in the license and must~~
14 ~~qualify as an individual licensee. A natural person who is authorized~~
15 ~~to act for a firm or corporation and who also wishes to be licensed in~~
16 ~~an individual capacity must obtain a separate license in the natural~~
17 ~~person's own name. The Commissioner shall charge a full~~
18 ~~additional fee for each natural person named in the license.} *Any*~~
19 ~~*business entity to whom a license is issued or renewed must:*~~

20 *(a) Be eligible to declare this State as its home state;*

21 *(b) Designate a licensed adjuster to be responsible for the*
22 *compliance of the business entity with the insurance laws, rules*
23 *and regulations of this State; and*

24 *(c) Never have committed any act that is a ground for refusal*
25 *to issue, suspension or revocation of a license pursuant to*
26 *NRS 683A.451.*

27 2. ~~{Transaction}~~ *If the business entity is a firm or a*
28 *corporation, transaction* of business under the license must be
29 within the purposes stated in the firm's partnership agreement or the
30 corporation's charter ~~{, as applicable.~~

31 3. The licensee shall promptly notify the Commissioner in
32 writing of all changes among its members, directors, officers and
33 other natural persons designated ~~{in the license.}~~ *pursuant to*
34 *subsection 1 or NRS 684A.090.*

35 **Sec. 20.** NRS 684A.090 is hereby amended to read as follows:

36 684A.090 1. The applicant for a license as an adjuster shall
37 file a written application therefor with the Commissioner on forms
38 prescribed and furnished by the Commissioner. As part of, or in
39 connection with, the application, the applicant shall furnish
40 information as to his or her identity, personal history, experience,
41 financial responsibility, business record and other pertinent matters
42 as reasonably required by the Commissioner to determine the
43 applicant's eligibility and qualifications for the license.



2. If the applicant is a natural person, the application must include the social security number of the applicant ~~and~~ *and include a completed copy of the Uniform Individual Application.*

3. If the applicant is a ~~firm or corporation,~~ *business entity*, the application must designate each individual who is to exercise the license powers and must include:

(a) *A completed copy of the Uniform Business Entity Application;*

(b) The name of each member, ~~of the firm or each~~ officer and director of the ~~corporation,~~ *business entity, as applicable;*

~~(b)~~ (c) The name of each executive officer and director who owns more than 10 percent of the outstanding voting securities of the applicant; and

~~(c)~~ (d) The name of any other individual who owns more than 10 percent of the outstanding voting securities of the applicant.

➔ Each such member, officer, director and individual shall furnish information to the Commissioner as though applying for an individual license.

4. If the applicant is a nonresident of this state, the application must be accompanied by an appointment of the Commissioner as process agent and agreement to appear pursuant to NRS 684A.200.

5. The application must be accompanied by the applicable license fee as specified in NRS 680B.010 *and subsection 2 of 684A.050* and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110 ~~and~~ *and subsection 2 of 684A.050.*

6. No applicant for such a license may willfully misrepresent or withhold any fact or information called for in the application form or in connection therewith. A violation of this subsection is a gross misdemeanor.

7. If the Commissioner determines that the information contained in a Uniform Individual Application or Uniform Business Entity Application submitted with an application pursuant to this section is not true, correct and complete to the best of the applicant's knowledge and belief, the Commissioner may refuse to issue a license to the applicant or suspend or revoke the applicant's license.

Sec. 21. NRS 684A.105 is hereby amended to read as follows:

684A.105 *1.* An adjuster whose license expires is exempt from retaking the examination required by NRS 684A.100 if:

~~and~~ (a) The adjuster:

~~(a)~~ (1) Is not a resident of this State;

~~(b)~~ (2) Has passed an examination to become licensed as an adjuster in the person's home state; and



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~~(e)~~ (3) Is currently licensed and in good standing in the person's home state as an adjuster; or

~~(2)~~ (b) The adjuster was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

2. A person who applies for a license as an adjuster pursuant to NRS 684A.090 is exempt from taking the examination required by NRS 684A.100 if the person:

(a) Is licensed as an adjuster in another state;

(b) Establishes legal residency in this State; and

(c) Submits an application for a license pursuant to NRS 684A.090 within 90 days after establishing legal residency in this State.

Sec. 22. NRS 684A.120 is hereby amended to read as follows:

684A.120 1. The Commissioner shall prescribe the form of the adjuster license, which shall state:

(a) The licensee's name , ~~and~~ business address ~~;~~ *and a personal identification number;*

(b) The classification of the license, whether as an independent adjuster , ~~for as~~ a public adjuster ~~;~~ *, a company adjuster or a staff adjuster;*

(c) Date of issuance and general conditions as to expiration and termination; and

(d) Such other conditions as the Commissioner deems proper.

2. The Commissioner may not issue a license in a trade name unless the name has been registered as provided by law.

3. In order to assist in the performance of the Commissioner's duties, the Commissioner may contract with any nongovernmental entity, including, without limitation, the National Association of Insurance Commissioners or its affiliates or subsidiaries, to perform any ministerial function, including, without limitation, the collection of fees and data, relating to licensing, that the Commissioner deems appropriate.

Sec. 23. NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner , *completion of any other requirement for renewal of the license specified in this chapter* and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted , *all requirements must be completed* and all applicable fees must be paid on or before the last day of the month in which the license is renewable.



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2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110 ~~H~~ *and subsection 2 of NRS 684A.050;*

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143;

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. This section does not apply to temporary licenses issued under NRS 684A.150.

Sec. 24. NRS 684A.180 is hereby amended to read as follows:

684A.180 1. Each adjuster shall keep at his or her business address shown on the adjuster's license a record of all transactions under the license.

2. The record shall include:

(a) *A copy of each contract between an independent adjuster and an insurer or self-insurer.*

(b) A copy of all investigations or adjustments undertaken.

~~H(b)~~ (c) A statement of any fee, commission or other compensation received or to be received by the adjuster on account of such investigation or adjustment.

3. The adjuster shall make such records available for examination by the Commissioner at all times, and shall retain the records for at least 3 years.

4. An independent adjuster shall comply with any record retention policy agreed to in a contract between the independent adjuster and an insurer or self-insurer to the extent that such a policy imposes a requirement to retain records for a longer period than the period required by this section.

Sec. 25. NRS 684A.210 is hereby amended to read as follows:

684A.210 1. The Commissioner may suspend, revoke, limit or refuse to continue any adjuster's license or associate adjuster's license:

(a) For any cause specified in any other provision of this chapter;

(b) For any applicable cause for revocation of the license of a producer of insurance under NRS 683A.451; or



1 (c) If the licensee has for compensation represented or attempted
2 to represent both the insurer and the insured in the same transaction.

3 2. The license of a ~~firm or corporation~~ *business entity* may be
4 suspended, revoked, limited or continuation refused for any cause
5 which relates to any individual designated ~~fin-or~~ with respect to the
6 license to exercise its powers.

7 3. The holder of any license which has been suspended or
8 revoked shall forthwith surrender the license to the Commissioner.

9 **Sec. 26.** This act becomes effective:

10 1. Upon passage and approval for the purpose of adopting any
11 regulations and performing any other preparatory administrative
12 tasks necessary to carry out the provisions of this act; and

13 2. On July 1, 2018, for all other purposes.

