

HOUSE BILL NO. HB0062

Insurance amendments.

Sponsored by: Joint Corporations, Elections & Political
Subdivisions Interim Committee

A BILL

for

1 AN ACT relating to insurance; amending and creating
2 definitions; amending fee schedules and creating new fees;
3 amending licensure requirements for licenses issued by the
4 department of insurance; amending continuing education
5 requirements; repealing requirements related to licenses
6 and continuing education; and providing for effective
7 dates.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 26-9-219(c) is amended to read:

12

13 **26-9-219. Adjuster's license; exception;**
14 **notification.**

15

1 (c) A Wyoming adjuster's license is required of any
2 adjuster who by physical appearance or through electronic
3 or other means, acts in this state on behalf of an insurer
4 for the purpose of investigating ~~or~~and making adjustment
5 of a particular loss under an insurance policy unless the
6 loss is of an unusual, uncommon or unique nature requiring
7 special expertise or knowledge not readily available among
8 adjusters licensed in this state, or for the adjustment of
9 a series of losses resulting from a catastrophe common to
10 those losses. Any insurer on whose behalf an adjuster who
11 is not licensed in Wyoming investigates ~~or~~and adjusts a
12 loss in this state, whether by physical appearance or
13 through electronic or other means, shall notify the
14 commissioner of such action prior to the unlicensed
15 adjuster acting in this state.

16

17 **Section 2.** W.S. 26-4-101(a)(viii), (ix), (xii) and by
18 creating a new paragraph (xxi), 26-9-201, 26-9-202(a) by
19 creating new paragraphs (xxii) through (xxiv), 26-9-207(b)
20 through (d) and (f), 26-9-216 and 26-9-231 by creating new
21 subsections (j) and (k) are amended to read:

22

23 **26-4-101. Fee schedule.**

1

2 (a) The commissioner shall collect in advance or
 3 contemporaneously fees, licenses and miscellaneous charges
 4 as specified in this subsection. Collection may include the
 5 acceptance of electronic funds transfer. All fees and other
 6 charges collected by the commissioner as specified in this
 7 subsection shall be nonrefundable:

8

9 (viii) Surplus line brokers:

10

11 Application for original resident license, and issuance of
 12 license, if issued\$100.00

13

14 License under waiver of residency requirement pursuant to a
 15 reciprocal agreement, application fee and issuance ..\$150.00

16

17 Continuation of license:

18

19 Resident\$100.00

20

21 Nonresident\$150.00

22

23 (ix) Adjusters:

1

2 Application for original resident license, and issuance of
3 license, if issued\$100.00

4

5 License under waiver of residency requirement pursuant to a
6 reciprocal agreement, application fee and issuance ..\$150.00

7

8 Continuation of license:

9

10 Resident\$100.00

11

12 Nonresident\$150.00

13

14 (xii) Insurance consultant for hire:

15

16 Application for original resident license, and issuance, if
17 issued\$100.00

18

19 License under waiver of residency requirement pursuant to a
20 reciprocal agreement, application fee and issuance ..\$150.00

21

22 Continuation of license:

23

1 Resident\$100.00

2

3 Nonresident\$150.00

4

5 (xxi) Continuing education:

6

7 Application for approval of continuing education provider

8\$100.00

9

10 Continuation of continuing education provider approval

11 \$100.00

12

13 Application for course approval\$50.00

14

15 Continuation of course approval\$50.00

16

17 **26-9-201. Purpose and scope.**

18

19 This chapter governs the qualifications and procedures for
20 the licensing of insurance producers. This chapter does
21 not apply to excess and surplus lines brokers licensed
22 pursuant to W.S. 26-11-112 except as provided in W.S.

23 ~~26-9-207(b), 26-9-207(c), 26-9-207(g)~~ through (d), (f) and

1 (g), 26-9-208, 26-9-216 and 26-9-230 or as expressly
2 provided in chapter 11 of this code.

3

4 **26-9-202. Definitions.**

5

6 (a) As used in this chapter:

7

8 (xxii) "Continuing education provider" means any
9 person approved by the commissioner to offer continuing
10 education courses to persons licensed in this state;

11

12 (xxiii) "Public adjuster" means any person who,
13 for compensation or any other thing of value, acts on
14 behalf of an insured by doing any of the following:

15

16 (A) Acting for or aiding an insured in
17 negotiating for or in effecting the settlement of a first
18 party claim for loss or damage to real or personal property
19 of the insured;

20

21 (B) Advertising for employment as a public
22 adjuster of first party claims or otherwise soliciting
23 business or representing to the public that the person is a

1 public adjuster of first party claims for loss or damage to
2 real or personal property of an insured;

3

4 (C) Directly or indirectly soliciting the
5 business of investigating or adjusting losses, or of
6 advising an insured about first party claims for loss or
7 damage to real or personal property of the insured.

8

9 (xxiv) "Licensee" means any person granted a
10 license under this chapter.

11

12 **26-9-207. License.**

13

14 (b) ~~An individual insurance producer, adjuster or~~
15 ~~surplus lines broker~~ A licensee's license shall remain in
16 effect unless revoked or suspended if on or before the last
17 day of the month of the licensee's birthday in the second
18 year following the issuance or renewal of the license the
19 continuation fee set forth in W.S. 26-4-101(a) is paid, the
20 continuing education requirements are met by the due date,
21 a written request for continuation of the license is made
22 to the commissioner on forms prescribed by the commissioner
23 and the licensee remains in compliance with all other

1 applicable provisions of this code. An insurance producer
2 or surplus lines broker license issued to a business entity
3 shall remain in effect unless revoked or suspended if on or
4 before the last day of the month in which the license was
5 effective in the second year following the issuance or
6 renewal of the license the continuation fee set forth in
7 W.S. 26-4-101(a) is paid, a written request for
8 continuation of the license is made to the commissioner on
9 forms prescribed by the commissioner and the licensee
10 remains in compliance with all other applicable provisions
11 of this code.

12

13 (c) ~~An individual insurance producer, adjuster or~~
14 ~~surplus lines broker~~ A licensee who allows his license to
15 lapse may, within twelve (12) months from the due date of
16 the continuation fee, reinstate the same license without
17 the necessity of passing a written examination. However, a
18 penalty equal to the amount of the continuation fee shall
19 be required in addition to the continuation fee for any
20 continuation request received after the due date. A
21 business entity insurance producer or surplus lines broker
22 that allows its license to lapse may, within twelve (12)
23 months from the due date of the continuation fee, reinstate

1 the same license, however, a penalty equal to the amount of
2 the continuation fee shall be required in addition to the
3 continuation fee for any continuation request received
4 after the due date.

5
6 (d) A ~~licensed insurance producer~~ licensee who is
7 unable to comply with license renewal procedures due to
8 military service or some other extenuating circumstance
9 such as a long-term medical disability may request a waiver
10 of those procedures. The producer may also request a waiver
11 of any examination requirement or any other fine or
12 sanction imposed for failure to comply with renewal
13 procedures.

14
15 (f) Licensees shall inform the commissioner by any
16 means acceptable to the commissioner of a change of name,
17 address, telephone number, email address or other contact
18 information as defined by rule and regulation of the
19 commissioner within thirty (30) days of the change.

20

21 **26-9-216. Reporting of actions.**

22

1 (a) A ~~resident or nonresident insurance producer~~
2 licensee shall report to the commissioner any
3 administrative action taken against the producer in another
4 jurisdiction or by another governmental agency in this
5 state within thirty (30) days of the final disposition of
6 the matter. This report shall include a copy of the order,
7 consent to order or other relevant legal documents.

8
9 (b) Within thirty (30) days of the initial pretrial
10 hearing date, a ~~resident or nonresident insurance producer~~
11 licensee shall report to the commissioner any criminal
12 prosecution of the producer taken in any jurisdiction. The
13 report shall include a copy of the initial complaint filed,
14 the order resulting from the hearing and any other relevant
15 legal documents.

16

17 **26-9-231. Continuing education.**

18

19 (j) No person shall act as a continuing education
20 provider in this state unless that person has been granted
21 approval by the commissioner:

22

1 (i) A person applying for approval as a
2 continuing education provider shall make application to the
3 department on forms prescribed by the commissioner and pay
4 the fees established in W.S. 26-4-101(a);

5
6 (ii) A continuing education provider's approval
7 shall remain in effect unless revoked or suspended if on or
8 before the last day of the month in which the application
9 is approved in the second year following approval and every
10 two (2) years thereafter the continuation fee set forth in
11 W.S. 26-4-101(a) is paid;

12
13 (iii) Once granted approval, a continuing
14 education provider may submit courses for approval by using
15 forms prescribed by the commissioner and paying the fees
16 set forth in W.S. 26-4-101(a). Course approvals shall
17 remain in effect unless revoked or suspended if on or
18 before the last day of the month in which the course is
19 approved in the second year following approval and every
20 two (2) years thereafter the continuation fees set forth in
21 W.S. 26-4-101(a) are paid.

22

