

## 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. 26-1-102(a)(i), 26-9-202(a) by  
12 creating new paragraphs (xxv) through (xxvii) and  
13 26-9-219(c) are amended to read:

14

15 **26-1-102. Definitions.**

1

2 (a) As used in this act:

3

4 (i) "Adjuster" means any individual who, ~~for~~  
5 ~~compensation as an independent contractor, or as the~~  
6 ~~employee of an independent contractor, or as a salaried~~  
7 ~~employee of an insurer, or for fee or commission, on behalf~~  
8 ~~of the insurer investigates and negotiates settlement of~~  
9 ~~claims arising under insurance contracts, except that~~  
10 either investigates and negotiates settlements relative to  
11 insurance claims or applies the factual circumstances of an  
12 insurance claim to the insurance policy provisions, or  
13 both, arising under property and casualty insurance  
14 contracts. An attorney-at-law who is licensed to practice  
15 law in this state, or a licensed agent or broker who  
16 adjusts or assists in adjustment of losses arising under  
17 policies issued through that broker or by the insurer  
18 represented by that agent, is not an adjuster for the  
19 purposes of chapter 9 of this code;

20

21 **26-9-202. Definitions.**

22

23 (a) As used in this chapter:

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

(xxv) "Adjuster" means any individual who either investigates and negotiates settlements relative to insurance claims or applies the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts. An attorney-at-law who is licensed to practice law in this state or a licensed agent or broker who adjusts or assists in adjustment of losses arising under policies issued through that broker or by the insurer represented by that agent, is not an adjuster for the purposes of this chapter. An appraiser or umpire is not an adjuster for the purposes of this chapter;

(xxvi) "Appraiser" means a person selected by the insurer or the insured to place a value on or estimate the amount of loss pursuant to an insurance claim. An appraiser does not negotiate settlements relative to insurance claims or apply the factual circumstances of an insurance claim to the insurance policy provisions;

(xxvii) "Umpire" means a person selected by the appraisers representing the insurer and the insured or, if

1 the appraisers cannot agree, by the court or hearing  
2 officer charged with resolving issues that the appraisers  
3 are unable to agree upon during the appraisal.

4

5           **26-9-219. Adjuster's                    license;                    exception;**  
6 **notification.**

7

8            (c) A Wyoming adjuster's license is required of any  
9 adjuster who by physical appearance or through electronic  
10 or other means, acts in this state on behalf of an insurer  
11 for the purpose of either investigating ~~or making~~  
12 ~~adjustment of a particular loss under an insurance policy~~  
13 and negotiating settlements relative to insurance claims or  
14 applying the factual circumstances of an insurance claim to  
15 the insurance policy provisions, or both, arising under  
16 property and casualty insurance contracts, unless the loss  
17 is of an unusual, uncommon or unique nature requiring  
18 special expertise or knowledge not readily available among  
19 adjusters licensed in this state, or for the adjustment of  
20 a series of losses resulting from a catastrophe common to  
21 those losses. Any insurer on whose behalf an adjuster who  
22 is not licensed in Wyoming either investigates ~~or adjusts a~~  
23 ~~loss in this state~~ and negotiates settlements relative to

1 insurance claims or applies the factual circumstances of an  
2 insurance claim to the insurance policy provisions, or  
3 both, arising under property and casualty insurance  
4 contracts, whether by physical appearance or through  
5 electronic or other means, shall notify the commissioner of  
6 such action prior to the unlicensed adjuster acting in this  
7 state.

8  
9 **Section 2.** W.S. 26-4-101(a)(viii), (ix), (xii) and by  
10 creating a new paragraph (xxi), 26-9-201, 26-9-202(a) by  
11 creating new paragraphs (xxii) through (xxiv), 26-9-207(b)  
12 through (d) and (f), 26-9-216 and 26-9-231 by creating new  
13 subsections (j) and (k) are amended to read:

14

15 **26-4-101. Fee schedule.**

16

17 (a) The commissioner shall collect in advance or  
18 contemporaneously fees, licenses and miscellaneous charges  
19 as specified in this subsection. Collection may include the  
20 acceptance of electronic funds transfer. All fees and other  
21 charges collected by the commissioner as specified in this  
22 subsection shall be nonrefundable:

23

1 (viii) Surplus line brokers:

2

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

5

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

8

9 Continuation of license:

10

11 Resident .....\$100.00

12

13 Nonresident .....\$150.00

14

15 (ix) Adjusters:

16

17 Application for original resident license, and issuance of  
18 license, if issued .....\$100.00

19

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

22

23 Continuation of license:

1

2 Resident .....\$100.00

3

4 Nonresident .....\$150.00

5

6 (xii) Insurance consultant for hire:

7

8 Application for original resident license, and issuance, if  
9 issued .....\$100.00

10

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

13

14 Continuation of license:

15

16 Resident .....\$100.00

17

18 Nonresident .....\$150.00

19

20 (xxi) Continuing education:

21

22 Application for approval of continuing education provider  
23 .....\$100.00

1

2 Continuation of continuing education provider approval

3 ..... \$100.00

4

5 Application for course approval .....\$50.00

6

7 Continuation of course approval .....\$50.00

8

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

10

11 This chapter governs the qualifications and procedures for  
12 the licensing of insurance producers. This chapter does  
13 not apply to excess and surplus lines brokers licensed  
14 pursuant to W.S. 26-11-112 except as provided in W.S.  
15 26-9-207(b), ~~26-9-207(c)~~, ~~26-9-207(g)~~ through (d), (f) and  
16 (g), 26-9-208, 26-9-216 and 26-9-230 or as expressly  
17 provided in chapter 11 of this code.

18

19 **26-9-202. Definitions.**

20

21 (a) As used in this chapter:

22



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

4  
5           (xxiii) "Public adjuster" means any person who,  
6 for compensation or any other thing of value, acts on  
7 behalf of an insured by doing any of the following:

8  
9           (A) Acting for or aiding an insured in  
10 negotiating for or in effecting the settlement of a first  
11 party claim for loss or damage to real or personal property  
12 of the insured;

13  
14           (B) Advertising for employment as a public  
15 adjuster of first party claims or otherwise soliciting  
16 business or representing to the public that the person is a  
17 public adjuster of first party claims for loss or damage to  
18 real or personal property of an insured;

19  
20           (C) Directly or indirectly soliciting the  
21 business of investigating or adjusting losses, or of  
22 advising an insured about first party claims for loss or  
23 damage to real or personal property of the insured.

1

2

3

4

5

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

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

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

(b) ~~An individual insurance producer, adjuster or surplus lines broker~~ A licensee's license shall remain in effect unless revoked or suspended if on or before the last day of the month of the licensee's birthday in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, the continuing education requirements are met by the due date, a written request for continuation of the license is made to the commissioner on forms prescribed by the commissioner and the licensee remains in compliance with all other applicable provisions of this code. An insurance producer or surplus lines broker license issued to a business entity shall remain in effect unless revoked or suspended if on or before the last day of the month in which the license was effective in the second year following the issuance or renewal of the license the continuation fee set forth in W.S. 26-4-101(a) is paid, a written request for

1 continuation of the license is made to the commissioner on  
2 forms prescribed by the commissioner and the licensee  
3 remains in compliance with all other applicable provisions  
4 of this code.

5

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

21

22 (d) A ~~licensed insurance producer~~ licensee who is  
23 unable to comply with license renewal procedures due to

1 military service or some other extenuating circumstance  
2 such as a long-term medical disability may request a waiver  
3 of those procedures. The producer may also request a waiver  
4 of any examination requirement or any other fine or  
5 sanction imposed for failure to comply with renewal  
6 procedures.

7

8 (f) Licensees shall inform the commissioner by any  
9 means acceptable to the commissioner of a change of name,  
10 address, telephone number, email address or other contact  
11 information as defined by rule and regulation of the  
12 commissioner within thirty (30) days of the change.

13

14 **26-9-216. Reporting of actions.**

15

16 (a) A ~~resident or nonresident insurance producer~~  
17 licensee shall report to the commissioner any  
18 administrative action taken against the producer in another  
19 jurisdiction or by another governmental agency in this  
20 state within thirty (30) days of the final disposition of  
21 the matter. This report shall include a copy of the order,  
22 consent to order or other relevant legal documents.

23

1           (b) Within thirty (30) days of the initial pretrial  
2 hearing date, a ~~resident or nonresident insurance producer~~  
3 licensee shall report to the commissioner any criminal  
4 prosecution of the producer taken in any jurisdiction. The  
5 report shall include a copy of the initial complaint filed,  
6 the order resulting from the hearing and any other relevant  
7 legal documents.

8  
9           **26-9-231. Continuing education.**

10  
11           (j) No person shall act as a continuing education  
12 provider in this state unless that person has been granted  
13 approval by the commissioner:

14  
15           (i) A person applying for approval as a  
16 continuing education provider shall make application to the  
17 department on forms prescribed by the commissioner and pay  
18 the fees established in W.S. 26-4-101(a);

19  
20           (ii) A continuing education provider's approval  
21 shall remain in effect unless revoked or suspended if on or  
22 before the last day of the month in which the application  
23 is approved in the second year following approval and every

1 two (2) years thereafter the continuation fee set forth in  
2 W.S. 26-4-101(a) is paid;

3  
4 (iii) Once granted approval, a continuing  
5 education provider may submit courses for approval by using  
6 forms prescribed by the commissioner and paying the fees  
7 set forth in W.S. 26-4-101(a). Course approvals shall  
8 remain in effect unless revoked or suspended if on or  
9 before the last day of the month in which the course is  
10 approved in the second year following approval and every  
11 two (2) years thereafter the continuation fees set forth in  
12 W.S. 26-4-101(a) are paid.

13  
14 (k) The commissioner may make arrangements, including  
15 contracting with an outside service, for the handling of  
16 continuing education providers and courses. If an outside  
17 service is employed, all continuing education provider  
18 applications, course approval requests and fees shall be  
19 remitted to the service provider.

20  
21 **Section 3.** W.S. 26-9-228(b) and 26-9-232 are  
22 repealed.

23

1           **Section 4.** W.S. 26-9-231(g) is repealed.

2

3           **Section 5.**

4

5           (a) Except as provided in subsection (b) of this  
6 section, this act is effective January 1, 2023.

7

8           (b) Sections 1, 3 and 5 of this act are effective  
9 immediately upon completion of all acts necessary for a  
10 bill to become law as provided by Article 4, Section 8 of  
11 the Wyoming Constitution.

12

13

(END)