

ORIGINAL HOUSE
BILL NO. HB0062

ENROLLED ACT NO. 30, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

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

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

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

26-1-102. Definitions.

(a) As used in this act:

(i) "Adjuster" means any individual who, ~~for compensation as an independent contractor, or as the employee of an independent contractor, or as a salaried employee of an insurer, or for fee or commission, on behalf of the insurer investigates and negotiates settlement of claims arising under insurance contracts, except that~~ 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 chapter 9 of this code;

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26-9-202. Definitions.

(a) As used in this chapter:

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

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

(c) A Wyoming adjuster's license is required of any adjuster who by physical appearance or through electronic

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or other means, acts in this state on behalf of an insurer for the purpose of either investigating ~~or making adjustment of a particular loss under an insurance policy and negotiating settlements relative to insurance claims or applying the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts,~~ unless the loss is of an unusual, uncommon or unique nature requiring special expertise or knowledge not readily available among adjusters licensed in this state, or for the adjustment of a series of losses resulting from a catastrophe common to those losses. Any insurer on whose behalf an adjuster who is not licensed in Wyoming either investigates ~~or adjusts a loss in this state 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,~~ whether by physical appearance or through electronic or other means, shall notify the commissioner of such action prior to the unlicensed adjuster acting in this state.

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

26-4-101. Fee schedule.

(a) The commissioner shall collect in advance or contemporaneously fees, licenses and miscellaneous charges as specified in this subsection. Collection may include the acceptance of electronic funds transfer. All fees and other

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charges collected by the commissioner as specified in this subsection shall be nonrefundable:

(viii) Surplus line brokers:

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

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

Continuation of license:

Resident\$100.00

Nonresident\$150.00

(ix) Adjusters:

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

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

Continuation of license:

Resident\$100.00

Nonresident\$150.00

(xii) Insurance consultant for hire:

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

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

Continuation of license:

Resident\$100.00

Nonresident\$150.00

(xxi) Continuing education:

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

Continuation of continuing education provider approval
..... \$100.00

Application for course approval\$50.00

Continuation of course approval\$50.00

26-9-201. Purpose and scope.

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

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26-9-202. Definitions.

(a) As used in this chapter:

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

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

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

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

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

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

26-9-207. License.

(b) ~~An individual insurance producer, adjuster or surplus lines broker~~ A licensee's license shall remain in

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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 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.

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

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

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

26-9-216. Reporting of actions.

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

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

26-9-231. Continuing education.

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

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

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

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

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

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

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

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Section 5.

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

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk