

AMENDMENT PROPOSED TO



HOUSE BILL NO. 1217

BY: Representative Upshaw

1 **AMEND** on line 47 by inserting the following after the period:
2 "A public adjuster shall not include an attorney at law who
3 adjusts insurance losses from time to time and incidental to the
4 practice of law, and who does not advertise or represent that he
5 is a public adjuster."

6 **AMEND FURTHER** by inserting the following language at the end
7 of line 248:

8 "With regard to public adjusters, any such rules and regulations
9 shall include the following:

10 (a) A public adjuster shall not testify in any judicial
11 proceeding as an expert witness if the public adjuster has a
12 pecuniary interest in the outcome of the proceeding because of any
13 services performed or provided by the public adjuster; however, in
14 lieu of the compensation provisions of Section 83-17-424(1)(a),
15 the court shall award reasonable compensation for any services
16 performed provided by a public adjuster in any matter for which
17 the public adjuster is prohibited from testifying as an expert by
18 this paragraph;

19 (b) A public adjuster shall not charge, agree to or
20 accept a referral fee from an attorney on any claim for which he
21 has performed services."



22 **AMEND FURTHER** on line 257 by striking the words and figures
23 "ten percent (10%)" and inserting in lieu thereof the following:
24 "seven percent (7%)"

25 **AMEND FURTHER** on line 258 by striking the words "or proceeds"
26 and inserting in lieu thereof the following: "involving property
27 damage or loss. The public adjuster's compensation shall be void
28 if the public adjuster is not able to negotiate a settlement and
29 the claimant must initiate a civil lawsuit"

30 ~~**AMEND FURTHER** on lines 267 and 270 by striking the word and
31 figure "three (3)" and inserting in lieu thereof the following:
32 "fourteen (14)"~~ *265 by striking "a public adjuster,"*
through ~~the~~ end of line 270 and inserting in lieu
thereof the following:

A public adjuster's contract with the claimant shall be revocable or cancelable by the claimant, without penalty or obligation, for a period of fourteen (14) calendar days from and after the date of declaration of a state or federal natural disaster. Following the expiration of said 14-day period, a public adjuster's contract with the claimant shall be revocable or cancelable by the claimant, without penalty or obligation, for at least three (3) business days after the contract is entered into. Nothing in this provision shall be construed to prevent a claimant from pursuing any civil remedy after the expiration of these cancellation periods.

37 **AMEND FURTHER** after line 294 by inserting the following new
38 Sections 11 and 12 and renumbering succeeding sections:

39 **SECTION 11.** No public adjuster shall accept any form of
40 compensation or payment, commission, fee or other thing of value
41 for the purpose of referring a claim or case to any other person.

42 **SECTION 12.** No public adjuster shall give any form of
43 compensation or payment, commission, fee or other thing of value
44 to a person who refers to him/her a claim or case.

45 **AMEND FURTHER** on line 296 by inserting after the figures
46 "2006": ", and shall stand repealed on July 1, 2008."

47 **AMEND FURTHER** the title to conform.

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