

By: Senator(s) Kirby

To: Insurance

SENATE BILL NO. 2090

1 AN ACT TO AMEND SECTION 83-17-401, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE DEFINITION OF THE TERM "ADJUSTER" TO INCLUDE  
3 SALARIED EMPLOYEES OF INSURERS WHO ARE REGULARLY ENGAGED IN THE  
4 ADJUSTMENT, INVESTIGATION OR SUPERVISION OF INSURANCE CLAIMS; AND  
5 FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 83-17-401, Mississippi Code of 1972, is  
8 amended as follows:

9 83-17-401. As used in this article, unless the context  
10 otherwise requires:

11 (a) "Adjuster" means any person who, as an independent  
12 contractor, or as an employee of an independent contractor,  
13 adjustment bureau, association, insurance company or corporation,  
14 managing general agent or self-insured, investigates or adjusts  
15 losses on behalf of either an insurer or a self-insured, or any  
16 person who supervises the handling of claims. "Adjuster" shall  
17 not include:

18 (i) An attorney at law who adjusts insurance  
19 losses from time to time and incidental to the practice of law,  
20 and who does not advertise or represent that he is an adjuster;

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22 (ii) Persons employed only for the purpose of  
23 furnishing technical assistance to a licensed adjuster, including,  
24 but not limited to, photographers, estimators, private detectives,  
25 engineers, handwriting experts and attorneys at law;

26 (iii) A licensed agent or general agent of an  
27 authorized insurer who processes undisputed or uncontested losses,

28 or both, for such insurer under policies issued by the licensed  
29 agent or general agent;

30                    (iv) A person who performs clerical duties with  
31 no negotiations with the parties on disputed or contested claims,  
32 or both; or

33                    (v) Any person who handles claims arising under  
34 life, accident and health insurance policies.

35                    (b) "Insurer" means any insurance company or  
36 self-insured.

37                    (c) "Commissioner" means the Commissioner of Insurance.

38                    **SECTION 2.** This act shall take effect and be in force from  
39 and after July 1, 2005.