STATE OF NEW YORK

6954--A

Cal. No. 730

2017-2018 Regular Sessions

IN SENATE

November 27, 2017

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to licensing of independent adjusters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph 5 of subsection (d) of section 2108 of the insurance law is amended to read as follows:

(5) Such application shall be approved, as to each person or individual so signing the same, by not less than five reputable citizens of the community in which such applicant resides or transacts business, each of whom shall certify that he has personally known the person or individual for a period of at least five years prior to the filing of such application, that he has read such application and believes each of the statements made therein to be true, that such person is honest, of good character and competent, and not related or connected to the person so certifying by blood or marriage. The certificate of approval shall be subscribed by such reputable citizens and affirmed by them as true under the penalties of perjury. **This requirement shall be waived for individuals holding a claims certification issued by a national or state-based claims association with a certification program that consists of at least forty hours of pre-exam coursework, a proctored examination of sufficient length to adequately determine the competency of the individual, and twenty-four hours of continuing education required for certification renewals, subject to the approval of the superintendent.**

§ 2. Paragraph 1 of subsection (f) of section 2108 of the insurance law is amended to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(1) The superintendent shall, in order to determine the trustworthiness and competency to act as an independent adjuster of each individual applicant for such license, and of each proposed sub-licensee, except in the case of a renewal license, require every such individual to take and pass, to the satisfaction of the superintendent, a personal written examination. The superintendent may prescribe the types of written examinations according to the kind or kinds of insurance claims [~~which~~] that the applicant is to be licensed to investigate and adjust. The exam requirement shall be waived for individuals holding a claims certification issued by a national or state-based claims association with a certification program that consists of at least forty hours of pre-exam coursework, a proctored exam of sufficient length to adequately determine the competency of the individual, and twenty-four hours of continuing education required for certification renewals on a biennial basis, subject to the approval of the superintendent.

§ 3. This act shall take effect immediately.