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LAW/RWH

P.L.2010, CHAPTER 116, *approved January 5, 2011*
Senate, No. 1557 (*First Reprint*)

1 AN ACT concerning licensed public adjusters and amending
2 P.L.1993, c.66.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 9 of P.L.1993, c.66 (C.17:22B-9) is amended to read
8 as follows:

9 9. For applications made during the first year of operation of
10 this act, there shall be paid to the commissioner by each individual
11 applicant and by each proposed sublicensee a fee of \$300 for an
12 initial license term of four years. Thereafter, the commissioner may
13 adjust the amount of the license fee to produce revenues sufficient
14 to support the regulatory obligations imposed on the department by
15 this act. The **[**commissioner may also prescribe by rule or
16 regulation the**]** term of all public adjuster licenses shall be for a
17 period of two years. The commissioner shall refund to the applicant
18 or proposed sublicensee the fee paid if the application is denied.
19 (cf: P.L.1993, c.66, s.9)

20
21 2. Section 10 of P.L.1993, c.66 (C.17:22B-10) is amended to
22 read as follows:

23 10. Every adjuster's license issued pursuant to this act may be
24 renewed for a two-year period upon the filing of an application in
25 conformity with section 6 of this act, which shall include proof of
26 completion of continuing education requirements as established by
27 this section.

28 a. The commissioner shall require every individual licensed as
29 a public adjuster, and each sublicensee of a licensed adjuster that is
30 a corporation, firm or association, as a condition of biennial license
31 renewal pursuant to this section, to complete not less than 15 hours
32 of continuing education. Each hour of instruction shall be
33 equivalent to one credit.

34 b. The commissioner shall:

35 (1) establish standards for the continuing education of public
36 adjusters, including the subject matter and content of courses of
37 study;

38 (2) approve educational programs offering continuing education
39 credits and the qualification of instructors; and

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ARP committee amendments adopted October 18, 2010.

1 (3) approve other equivalent educational programs and establish
2 procedures for the issuance of credit upon satisfactory proof of the
3 completion of these programs.

4 c. The commissioner may, in his discretion, waive
5 requirements for continuing education on an individual basis for
6 reasons of hardship such as illness or disability, retirement of the
7 license, or other good cause.

8 d. The commissioner may, in his discretion, waive the
9 continuing education requirements set forth in subsection a. of this
10 section for a public adjuster who is a non-resident licensee if the
11 commissioner deems that such licensee has satisfactorily completed
12 continuing education requirements for licensed public adjusters in
13 the state in which he resides that are equivalent to New Jersey
14 continuing education requirements.

15 (cf: P.L.1993, c.66, s.10)

16

17 ¹3. Section 13 of P.L.1993, c.66 (C.17:22B-13) is amended to
18 read as follows:

19 13. No individual, firm, association or corporation licensed
20 under this act shall:

21 a. solicit the adjustment of a loss or damage occurring in this
22 State from an insured, whether by personal interview, by telephone,
23 or by any other method, between the hours of six p.m. and eight
24 a.m. during the 24 hours after the loss has occurred;

25 b. enter into any agreement, oral or written, with an insured to
26 negotiate or settle claims for loss or damage occurring in this State
27 between the hours of six p.m. and eight a.m. during the 24 hours
28 after the loss has occurred;

29 **[b.]** c. have any right to compensation from any insured for or
30 on account of services rendered to an insured as a public adjuster
31 unless the right to compensation is based upon a written
32 memorandum, signed by the party to be charged and by the
33 adjuster, and specifying or clearly defining the services to be
34 rendered and the amount or extent of the compensation on a form
35 and with such language as the commissioner may prescribe;

36 **[c.]** d. induce cancellation of a duly executed written
37 memorandum between an insured and a public adjuster;

38 **[d.]** e. make any misrepresentation of facts or advise any
39 person on questions of law in connection with the transaction of
40 business as an adjuster; or

41 **[e.]** f. receive, accept or hold any moneys towards the
42 settlement of a claim for loss or damage on behalf of an insured
43 unless the public adjuster deposits the moneys in an interest bearing
44 escrow account in a banking institution or savings and loan
45 association in this State insured by an agency of the federal
46 government. Any funds held in escrow together with interest
47 accumulated thereon shall be the property of the insured until

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1 disbursement thereof pursuant to a written memorandum, signed by
2 the insured and by the adjuster, specifying or clearly defining the
3 services rendered and the amount of any compensation to be paid
4 therefrom. In the event of the insolvency or bankruptcy of a public
5 adjuster, the claim of an insured for any settlement moneys
6 received, accepted or held by the adjuster shall constitute a statutory
7 trust.¹

8 (cf: P.L.1993, c.66, s.13)

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10 ¹~~[3.]~~ 4.¹ This act shall take effect on the 180th day next
11 following enactment, and shall apply to all license renewals
12 submitted on or after that date.

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Revises statutes concerning public adjusters.

SENATE, No. 1557

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MARCH 4, 2010

Sponsored by:

Senator GERALD CARDINALE

District 39 (Bergen)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Creates two-year license term for public adjuster licenses and establishes continuing education requirement for licensed public adjusters.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning licensed public adjusters and amending
2 P.L.1993, c.66.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 9 of P.L.1993, c.66 (C.17:22B-9) is amended to read
8 as follows:

9 9. For applications made during the first year of operation of
10 this act, there shall be paid to the commissioner by each individual
11 applicant and by each proposed sublicensee a fee of \$300 for an
12 initial license term of four years. Thereafter, the commissioner may
13 adjust the amount of the license fee to produce revenues sufficient
14 to support the regulatory obligations imposed on the department by
15 this act. The **[**commissioner may also prescribe by rule or
16 regulation the**]** term of all public adjuster licenses shall be for a
17 period of two years. The commissioner shall refund to the applicant
18 or proposed sublicensee the fee paid if the application is denied.

19 (cf: P.L.1993, c.66, s.9)

20

21 2. Section 10 of P.L.1993, c.66 (C.17:22B-10) is amended to
22 read as follows:

23 10. Every adjuster's license issued pursuant to this act may be
24 renewed for a two-year period upon the filing of an application in
25 conformity with section 6 of this act, which shall include proof of
26 completion of continuing education requirements as established by
27 this section.

28 a. The commissioner shall require every individual licensed as
29 a public adjuster, and each sublicensee of a licensed adjuster that is
30 a corporation, firm or association, as a condition of biennial license
31 renewal pursuant to this section, to complete not less than 15 hours
32 of continuing education. Each hour of instruction shall be
33 equivalent to one credit.

34 b. The commissioner shall:

35 (1) establish standards for the continuing education of public
36 adjusters, including the subject matter and content of courses of
37 study;

38 (2) approve educational programs offering continuing education
39 credits and the qualification of instructors; and

40 (3) approve other equivalent educational programs and establish
41 procedures for the issuance of credit upon satisfactory proof of the
42 completion of these programs.

43 c. The commissioner may, in his discretion, waive
44 requirements for continuing education on an individual basis for

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 reasons of hardship such as illness or disability, retirement of the
2 license, or other good cause.

3 d. The commissioner may, in his discretion, waive the
4 continuing education requirements set forth in subsection a. of this
5 section for a public adjuster who is a non-resident licensee if the
6 commissioner deems that such licensee has satisfactorily completed
7 continuing education requirements for licensed public adjusters in
8 the state in which he resides that are equivalent to New Jersey
9 continuing education requirements.
10 (cf: P.L.1993, c.66, s.10)

11
12 3. This act shall take effect on the 180th day next following
13 enactment, and shall apply to all license renewals submitted on or
14 after that date.

15
16
17 STATEMENT

18
19 This bill stipulates that the term of all public adjuster licenses
20 shall be for a period of two years and that a licensed public adjuster
21 may renew that license biennially. The bill also requires every
22 licensed public adjuster to complete not less than 15 hours of
23 continuing education every two years as a condition of renewal of
24 that license. Each hour of instruction would be equivalent to one
25 credit. Currently, the term of a license is four years, in accordance
26 with regulations adopted by the Commissioner of Banking of
27 Insurance. As provided in the bill, the continuing education
28 requirement applies to individual licensed public adjusters and each
29 sublicensee of a licensed adjuster that is a corporation, firm or
30 association.

31 Under the bill, the commissioner is authorized to:

32 (1) establish standards for the continuing education of public
33 adjusters, including the subject matter and content of courses of
34 study;

35 (2) approve educational programs offering continuing education
36 credits and the qualification of instructors; and

37 (3) approve other equivalent educational programs and establish
38 procedures for the issuance of credit upon satisfactory proof of the
39 completion of these programs.

40 The commissioner may, in his discretion, waive requirements for
41 continuing education on an individual basis for reasons of hardship
42 such as illness or disability, retirement of the license, or other good
43 cause. In addition, the commissioner may, in his discretion, waive
44 the continuing education requirements set forth in this bill for a
45 public adjuster who is a non-resident licensee if the commissioner
46 deems that such licensee has satisfactorily completed continuing
47 education requirements for licensed public adjusters in the state in

S1557 CARDINALE, GILL

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- 1 which he resides that are equivalent to New Jersey continuing
- 2 education requirements.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 1557

STATE OF NEW JERSEY

DATED: MAY 10, 2010

The Senate Commerce Committee reports favorably Senate Bill No. 1557.

This bill stipulates that the term of all public adjuster licenses shall be for a period of two years. Currently, the term of a license is four years, as established by the Commissioner of Banking and Insurance through regulation. See N.J.A.C. 11:1-37.3.

The bill also requires every individual licensed public adjuster, as well as each individual sublicensee of a licensed adjuster that is a corporation, firm or association to complete not less than 15 hours of continuing education every two years as a condition of renewal of that license. Each hour of instruction shall be equivalent to one credit.

Concerning this continuing education, the commissioner is authorized to:

(1) establish educational standards, including the subject matter and content of courses of study;

(2) approve educational programs offering continuing education credits and the qualification of instructors; and

(3) approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

The commissioner may waive the requirements for continuing education on an individual basis for reasons of hardship such as illness or disability, retirement of the license, or other good cause. The commissioner may also waive the continuing education requirements for a public adjuster who is a non-resident licensee if the commissioner deems that such licensee has satisfactorily completed continuing education requirements for licensed public adjusters in the state in which he resides that are equivalent to New Jersey's continuing education requirements.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

SENATE, No. 1557

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2010

The Assembly Regulated Professions Committee reports favorably and with committee amendments Senate Bill No. 1557.

The bill, as amended, stipulates that the term of all public adjuster licenses shall be for a period of two years. Currently, the term of a license is four years, as established by the Commissioner of Banking and Insurance through regulation. See N.J.A.C. 11:1-37.3.

The bill also requires every individual licensed public adjuster, as well as each individual sublicensee of a licensed adjuster that is a corporation, firm or association, to complete not less than 15 hours of continuing education every two years as a condition of renewal of that license. Each hour of instruction shall be equivalent to one credit.

Concerning this continuing education, the commissioner is authorized to:

(1) establish educational standards, including the subject matter and content of courses of study;

(2) approve educational programs offering continuing education credits and the qualification of instructors; and

(3) approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

The commissioner may waive the requirements for continuing education on an individual basis for reasons of hardship such as illness or disability, retirement of the license, or other good cause. The commissioner may also waive the continuing education requirements for a public adjuster who is a non-resident licensee if the commissioner deems that such licensee has satisfactorily completed continuing education requirements for licensed public adjusters in the state in which he resides that are equivalent to New Jersey's continuing education requirements.

The bill also provides that no individual, firm, association or corporation licensed under the "Public Adjusters' Licensing Act" shall solicit the adjustment of a loss or damage occurring in this State from an insured, whether by personal interview, by telephone, or by any other method, between the hours of six p.m. and eight a.m. during the 24 hours after the loss has occurred.

This bill, as amended, is identical to Assembly Bill No. 3294, which was also amended and reported by the committee today.

COMMITTEE AMENDMENTS

The committee amended this bill to provide that no individual, firm, association or corporation licensed under the “Public Adjusters’ Licensing Act” shall solicit the adjustment of a loss or damage occurring in this State from an insured, whether by personal interview, by telephone, or by any other method, between the hours of six p.m. and eight a.m. during the 24 hours after the loss has occurred.

ASSEMBLY, No. 3294

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED OCTOBER 7, 2010

Sponsored by:

Assemblyman VINCENT PRIETO

District 32 (Bergen and Hudson)

Assemblyman JOSEPH V. EGAN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

Assemblywoman Quigley and Assemblyman Mainor

SYNOPSIS

Creates two-year license term for public adjuster licenses and establishes continuing education requirement for licensed public adjusters.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning licensed public adjusters and amending
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11 applicant and by each proposed sublicensee a fee of \$300 for an
12 initial license term of four years. Thereafter, the commissioner may
13 adjust the amount of the license fee to produce revenues sufficient
14 to support the regulatory obligations imposed on the department by
15 this act. The **[**commissioner may also prescribe by rule or
16 regulation the**]** term of all public adjuster licenses shall be for a
17 period of two years. The commissioner shall refund to the applicant
18 or proposed sublicensee the fee paid if the application is denied.

19 (cf: P.L.1993, c.66, s.9)

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26 completion of continuing education requirements as established by
27 this section.

28 a. The commissioner shall require every individual licensed as
29 a public adjuster, and each sublicensee of a licensed adjuster that is
30 a corporation, firm or association, as a condition of biennial license
31 renewal pursuant to this section, to complete not less than 15 hours
32 of continuing education. Each hour of instruction shall be
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34 b. The commissioner shall:

35 (1) establish standards for the continuing education of public
36 adjusters, including the subject matter and content of courses of
37 study;

38 (2) approve educational programs offering continuing education
39 credits and the qualification of instructors; and

40 (3) approve other equivalent educational programs and establish
41 procedures for the issuance of credit upon satisfactory proof of the
42 completion of these programs.

43 c. The commissioner may, in his discretion, waive
44 requirements for continuing education on an individual basis for

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 reasons of hardship such as illness or disability, retirement of the
2 license, or other good cause.

3 d. The commissioner may, in his discretion, waive the
4 continuing education requirements set forth in subsection a. of this
5 section for a public adjuster who is a non-resident licensee if the
6 commissioner deems that such licensee has satisfactorily completed
7 continuing education requirements for licensed public adjusters in
8 the state in which he resides that are equivalent to New Jersey
9 continuing education requirements.
10 (cf: P.L.1993, c.66, s.10)

11
12 3. This act shall take effect on the 180th day next following
13 enactment, and shall apply to all license renewals submitted on or
14 after that date.

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17 STATEMENT

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19 This bill stipulates that the term of all public adjuster licenses
20 shall be for a period of two years. Currently, the term of a license is
21 four years, as established by the Commissioner of Banking and
22 Insurance through regulation. See N.J.A.C. 11:1-37.3.

23 The bill also requires every individual licensed public adjuster,
24 as well as each individual sublicensee of a licensed adjuster that is a
25 corporation, firm or association to complete not less than 15 hours
26 of continuing education every two years as a condition of renewal
27 of that license. Each hour of instruction shall be equivalent to one
28 credit.

29 Concerning this continuing education, the commissioner is
30 authorized to:

31 (1) establish educational standards, including the subject matter
32 and content of courses of study;

33 (2) approve educational programs offering continuing education
34 credits and the qualification of instructors; and

35 (3) approve other equivalent educational programs and establish
36 procedures for the issuance of credit upon satisfactory proof of the
37 completion of these programs.

38 The commissioner may waive the requirements for continuing
39 education on an individual basis for reasons of hardship such as
40 illness or disability, retirement of the license, or other good cause.
41 The commissioner may also waive the continuing education
42 requirements for a public adjuster who is a non-resident licensee if
43 the commissioner deems that such licensee has satisfactorily
44 completed continuing education requirements for licensed public
45 adjusters in the state in which he resides that are equivalent to New
46 Jersey's continuing education requirements.

ASSEMBLY REGULATED PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3294

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 18, 2010

The Assembly Regulated Professions Committee reports favorably and with committee amendments Assembly Bill No. 3294.

This bill, as amended, stipulates that the term of all public adjuster licenses shall be for a period of two years. Currently, the term of a license is four years, as established by the Commissioner of Banking and Insurance through regulation. See N.J.A.C. 11:1-37.3.

The bill also requires every individual licensed public adjuster, as well as each individual sublicensee of a licensed adjuster that is a corporation, firm or association, to complete not less than 15 hours of continuing education every two years as a condition of renewal of that license. Each hour of instruction shall be equivalent to one credit.

Concerning this continuing education, the commissioner is authorized to:

(1) establish educational standards, including the subject matter and content of courses of study;

(2) approve educational programs offering continuing education credits and the qualification of instructors; and

(3) approve other equivalent educational programs and establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs.

The commissioner may waive the requirements for continuing education on an individual basis for reasons of hardship such as illness or disability, retirement of the license, or other good cause. The commissioner may also waive the continuing education requirements for a public adjuster who is a non-resident licensee if the commissioner deems that such licensee has satisfactorily completed continuing education requirements for licensed public adjusters in the state in which he resides that are equivalent to New Jersey's continuing education requirements.

The bill also provides that no individual, firm, association or corporation licensed under the "Public Adjusters' Licensing Act" shall solicit the adjustment of a loss or damage occurring in this State from an insured, whether by personal interview, by telephone, or by any other method, between the hours of six p.m. and eight a.m. during the 24 hours after the loss has occurred.

This bill, as amended, is identical to Senate Bill No. 1557, which was also amended and reported by the committee today.

COMMITTEE AMENDMENTS

The committee amended this bill to provide that no individual, firm, association or corporation licensed under the “Public Adjusters’ Licensing Act” shall solicit the adjustment of a loss or damage occurring in this State from an insured, whether by personal interview, by telephone, or by any other method, between the hours of six p.m. and eight a.m. during the 24 hours after the loss has occurred.