

SENATE No. 2378

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

SENATE, Monday, June 27, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to the licensure of insurance adjusters in the Commonwealth (Senate, No. 494),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2378).

For the committee,
Karen E. Spilka

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**In the One Hundred and Eighty-Ninth General Court
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An Act relative to the licensure of insurance adjusters in the Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section
2 172J the following section:-

3 Section 172J½. Notwithstanding section 172 or any other general or special law to the
4 contrary, the commissioner of insurance may obtain from the department all available criminal
5 offender record information, found in the court activity record information, of an applicant for
6 licensure under section 172B of chapter 175. Information obtained under this section shall only
7 be used to provide an insurance adjuster license.

8 SECTION 2. The first paragraph of section 14 of chapter 175 of the General Laws, as
9 appearing in the 2014 Official Edition, is hereby amended by inserting after the twenty-fourth
10 clause the following clause:- For each insurance adjuster license or renewal thereof under section
11 172B;.

12 SECTION 3. Said chapter 175 is hereby amended by inserting after section 172A the
13 following section:-

14 Section 172B. An applicant for an insurance adjuster license shall file a written
15 application for the license, executed on oath by the applicant, together with a certified copy of a
16 criminal background check, with the commissioner. The commissioner shall prescribe the form
17 and manner in which an application shall be filed with the division.

18 The commissioner may, upon the payment of the fee required under section 14 and after
19 successful completion of a written examination, issue to a suitable applicant of 21 years of age or
20 older an insurance adjuster license on behalf of an insurer licensed to do business in the
21 commonwealth.

22 An insurance adjuster's license shall be valid for a term of 3 years from the date of
23 issuance, unless the license is revoked or suspended under this section. Upon the payment of the
24 fee required under said section 14, the license may be renewed for a succeeding 3-year period
25 without requiring an additional written examination; provided, however, that the applicant shall
26 have completed 15 hours of continuing education instruction that has been approved by the
27 commissioner or another state or country that requires continuing education instruction as a
28 condition of obtaining or renewing an insurance adjuster license.

29 The written examination under this section shall be prepared and administered by the
30 commissioner or an independent testing service designated by the commissioner. The
31 commissioner shall set a passing grade that indicates an applicant's ability to perform the duties
32 of an insurance adjuster in a satisfactory manner. The test shall, at a minimum, examine an
33 applicant's knowledge of building construction, techniques, materials, relevant insurance
34 principles and coverage. The commissioner shall determine or approve the charges to be paid by
35 an applicant for the services of an independent testing service designated by the commissioner.

36 If the commissioner determines that an insurance adjuster is in violation of this section
37 the commissioner may, after notice and a hearing, suspend or revoke an insurance adjuster
38 license. The commissioner shall promulgate rules and regulations to establish a process for
39 administrative appeal of a suspension or revocation imposed in accordance with this section.