

**ALABAMA DEPARTMENT OF INSURANCE
INSURANCE REGULATION**

CHAPTER 482-1-151

INDEPENDENT ADJUSTERS

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482-1-151-.01 Purpose, Scope and Authority.

(1)The purposes of this chapter are as follows:

(a) To set forth rules and procedural requirements the Commissioner deems necessary to carry out the provisions of Chapter 9A, Ala. Code Tit. 27 (2011), relating to the licensing of independent adjusters, apprentice independent adjusters, and emergency independent adjusters; the authorization of prelicensing course providers and approval of prelicensing courses; and the various types of disciplinary action concerning licenses and grants of authority.

(b) To set forth the procedures for the renewal of licenses of independent adjusters, as is required by Subsection (b) of Ala. Code § 27-9A-7 (2011).

(c) To implement the continuing education requirements for independent adjusters set forth in Ala. Code § 27-9A-13 (2011).

(2)(a) This chapter shall apply to individuals and business entities applying for an independent adjuster license, to individuals applying for an apprentice independent adjuster license, to individuals applying for an emergency independent adjuster license, and to persons authorized to provide prelicensing courses.

(b) As to the renewal of licenses, this chapter shall apply to every individual or business entity licensed in this state as an independent adjuster.

(c) In order to qualify for the renewal of their licenses, individual licensees must also comply with the educational requirements set forth in Rule 482-1-151-.11.

(d) Notwithstanding the provisions of paragraph (c), the educational requirements set forth in Rule 482-1-151-.11 shall not apply to:

1. Any nonresident licensee who has met the continuing education requirements in his or her designated home state and whose home state gives credit to residents of Alabama on the same basis.

2. Independent adjusters who have been licensed for less than twelve months prior to the license expiration date.

(3) This chapter is adopted pursuant to Ala. Code §§ 27-2-17 (1975) and 27-9A-18 (2011).

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.02 Definitions. Unless the context otherwise requires, terms found in this chapter are used as defined in Ala. Code § 27-9A-2 (2011). The following terms are defined for purposes of this chapter:

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- (a) LICENSEE. An independent adjuster licensed in accordance with this chapter.
- (b) NAIC. The National Association of Insurance Commissioners or its affiliates or subsidiaries.
- (c) NIPR. The National Insurance Producer Registry.
- (d) PRELICENSING COURSE. A course of study approved by the Commissioner as satisfying the prelicensing education requirements of Ala. Code § 27-9A-8(a) (2011) and offered through a prelicensing course provider authorized by the Commissioner to issue certificates of course completion.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.03 Prelicensing Course.

(1) Except as provided in paragraph (5), an individual subject to the examination requirement set for in Rule 482-1-151-.06 must complete a prelicensing course for each line of authority desired in order to take the following independent adjuster examinations:

- (a) Property and Casualty.
- (b) Workers' compensation.
- (c) Crop.

(2) The prelicensing course must have been completed within twelve (12) months before the date of the examination.

(3) Completion of a prelicensing course is not required in the following instances:

(a) An individual licensed as an independent adjuster in another state is exempt from completing a prelicensing course in order to apply for an Alabama independent adjuster license with the same line(s) of authority if, at the time of application, the individual's out-of-state license is current or was cancelled within ninety (90) days before the application and the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(b) An individual currently licensed as an independent adjuster in another state is exempt from completing a prelicensing course of study in order to apply for a nonresident independent adjuster license in Alabama with the same line(s) of authority if the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(4) An individual is required to present a certificate of completion of the appropriate prelicensing course, together with photographic identification, as a condition for taking an independent adjuster examination.

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Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.04 Prelicensing Course Providers.

(1) A prelicensing course provider must be approved by the Commissioner to issue certificates of prelicensing course completion before offering or conducting prelicensing courses. Prelicensing courses offered through, and certificates of course completion issued by, unapproved providers will not be accepted as valid for purposes of this chapter.

(2) The application for approval will be on a form or in a format prescribed by the Department. Approval is valid for a calendar year, expiring on December 31 of that year. Beginning on or about October 1, an approved provider may request approval for the next succeeding calendar year in accordance with instructions provided by the Department. A provider must have applied for and obtained approval before offering or conducting courses in the next succeeding calendar year. The initial fee for approval of a prelicensing provider is hereby set at \$75. The annual renewal fee for a prelicensing provider is hereby set at \$50.

(3) The provider shall furnish each individual successfully completing a prelicensing course a certificate of completion, signed by the prelicensing course instructor or provider, that contains the name of the prelicensing course provider, the student's full name, the line or lines of authority covered by the course, the beginning date, the date of completion, and the number of course hours completed.

(4) Prelicensing course providers shall maintain for a minimum of three (3) years records that reflect each individual who has successfully completed a prelicensing course and make such records available for review by the Commissioner upon request.

(5) The Commissioner may audit any approved provider at any time. An audit may include, but is not limited to, a review of the attendance and curriculum records and observation of instructional sessions. The provider shall furnish such records, data, or information, or provide such other assistance, as the Commissioner may request incident to the audit.

(6) A prelicensing course provider may be placed on probation or its authority suspended or revoked for any of the following reasons:

(a) The provider offered or conducted prelicensing courses during a time when it was not approved to do so.

(b) The provider offered or conducted a prelicensing course not approved by the Commissioner.

(c) The provider issued certificates of completion during a time when it was not approved to do so or for prelicensing courses not approved by the Commissioner.

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(d) The content of an approved prelicensing course was significantly changed without notice to and prior approval from the Commissioner.

(e) A certificate of completion was issued to a person who did not actually complete the course.

(f) A certificate of completion was not issued to a person who had actually completed the course.

(g) The provider's annual passing ratio for first time testers over the last year is less than 70% of the statewide passing ratio for first time testers.

(h) Within fifteen (15) days after the date of the Commissioner's written request (or within such time as the request may provide), the provider fails to respond or provide the records, data, or information requested.

(7) A decision to place a provider in probationary status will be made without a preceding hearing, but the provider will be allowed 30 days from the date of the notice of such action within which to appeal the action to the Commissioner. An alleged course of conduct or acts or omissions which the Department believes to justify suspension or revocation will be made in the form of an administrative complaint on which the provider may request a hearing before a decision is made. Administrative proceedings, including hearings, will be conducted in accordance with Regulation 482-1-065 to the extent applicable to the nature of the proceeding.

(8) A provider on probation is allowed to become or remain authorized and to renew an existing authority, as applicable, if the provider has complied or is complying with the conditions specified in the notice imposing the probation during the stated term of the probation. During the term of the probation, the provider remains subject to all applicable requirements of the Insurance Code and this Chapter. If so stated in the notice imposing the probation, failure to comply with the conditions set forth in the probation notice may result in the immediate suspension or revocation of the provider authority without further administrative proceedings.

(9) Reinstatement of approval of a prelicensing course provider after a suspension or revocation is at the sole discretion of the Commissioner and is conditioned upon the receipt of satisfactory proof that the conditions leading to the suspension or revocation have been corrected and the possibility of reoccurrence of the violation has been substantially mitigated or eliminated.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.05 Approval and content of prelicensing courses.

(1) Each prelicensing course must be approved by the Commissioner before the course is offered or conducted. Approval of a provider to issue certificates of course

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completion as provided in Rule 482-1-151-.04 is not approval of any particular preclicensing course offered or proposed to be offered by the provider. A certificate of course completion for an unapproved course will not be accepted as valid for purposes of this chapter.

(2) Approved courses for each of the following lines of authority must consist of twenty (20) classroom hours or equivalent individual instruction:

- (a) Property and Casualty, excluding Workers' Compensation and Crop.
- (b) Workers' Compensation.
- (c) Crop.

(3) An approved course for the combined line of authority of "Property and Casualty, including Workers' Compensation and Crop" must consist of forty (40) classroom hours or equivalent individual instruction.

(4) To request approval, the provider shall file with the Commissioner in a format prescribed by the Department all of the following:

- (a) An outline of the proposed course, including instructional time for each course major component.
- (b) A list of instructional materials used.
- (c) The name or names of the instructors.
- (d) The category or categories of license for which the course is intended to prepare applicants for licensing.
- (e) Such additional or supplemental information as the Commissioner may request, including, but not limited to, further detail of the proposed course content or copies of any instructional materials to be used.

(5) The provider's submission must show that the subject matter of the preclicensing course pertains to one or more of the lines of insurance indicated in subsections (2) or (3), the course covers the general principles of insurance for that line or lines of authority, and the course addresses all of the following to the extent applicable to the subject line(s) of insurance:

- (a) Study and analysis of the fundamentals of insurance.
- (b) Study and analysis of various kinds of policies, endorsements, riders, and other policy contract documents.
- (c) Study and analysis of various rating plans and systems.
- (d) Study and analysis of the basic licensing requirements set forth in the statutes and regulations of this state.
- (e) Such additional material as the Commissioner may from time to time require by notice to course providers.

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(6) Instructors must be knowledgeable of the insurance industry and all aspects of the insurance law applicable to the line(s) of authority that are the subject of the instructor's course(s).

(7) The Commissioner may review any approved course at any time and may cancel approval of the course with regard to future offerings upon a finding that the course, as designed, structured, or conducted and/or its content and materials is not adequate for its stated purpose. Said review shall include, but not be limited to, the review of curriculum records, review of attendance records, student evaluation forms or reports, and observation of instructional sessions in progress.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.06 Independent Adjuster Examinations.

(1)(a) Except as provided in paragraph (3), all individuals must successfully pass an examination prior to becoming licensed as an independent adjuster for the following lines of authority:

1. Property and Casualty, excluding Workers' Compensation and Crop.
2. Workers' Compensation.
3. Crop.
4. Property and Casualty, including Workers' Compensation and Crop.

(b) An outline for each examination will be posted on the Department's Web site setting forth the number of questions on the examination from each test section and the time allowed within which to complete the examination.

(2) Unless otherwise exempt, an independent adjuster whose license has expired or has otherwise been terminated and has not been in effect for twelve (12) consecutive calendar months must successfully pass the applicable examination(s), as required in paragraph (1), in order to again become licensed.

(3) The examination requirements shall not apply as follows:

(a) An individual licensed as an independent adjuster in another state based on an independent adjuster examination is exempt from successfully passing an examination in order to apply for an Alabama resident independent adjuster license with the same line(s) of authority if, at the time of application, the individual's out-of-state license is current or was cancelled within ninety (90) days before the application and the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(b) An individual currently licensed as an independent adjuster (or its equivalent) in another state based on an independent adjuster examination is exempt from

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successfully passing an examination in order to apply for a nonresident independent adjuster license in Alabama with the same line(s) of authority if the individual is in good standing in that state or in the state's producer database records as maintained by the NAIC.

(4) Examination Passing Grade.

(a) Prior to an examination, each question will be valued with the sum of the values equaling 100.

(b) After an examination, the value of each question answered correctly will be counted and the sum of the values totaling 70 or more shall constitute a passing grade.

(5) Limitations on Repeat Examinations.

(a) If an individual takes and fails to pass two examinations for a particular line of authority, the individual must wait a minimum of ninety (90) days after the last failure before the individual can again take the examination for that line of authority.

(b) If an individual thereafter fails the examination two additional times, the individual must wait a minimum of one hundred eighty (180) days after the last failure before each subsequent examination for that line of authority.

(c) The waiting periods described in paragraphs (a) and (b) expire twenty-four (24) months after the date of the last failed examination.

(6) An individual passing an examination will be furnished an examination results certificate by the examination administrator. This certificate must be kept by the individual and presented to Department of Insurance upon request.

(7) Examination results certificates are valid for one year from the date of issuance.

(8) An individual shall pay a non-refundable fee of \$75 for each examination scheduled.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.07 Independent adjuster License.

(1) Business Entity Independent Adjuster. A business entity may be issued an independent adjuster license in accordance with the following:

(a) To be licensed as an independent adjuster, a business entity must be a corporation, a limited liability company, a partnership, a limited partnership, a limited liability partnership, or another legally recognized form of entity distinct from an

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individual or the individuals or other entities that may own or hold interests in, or be members of, the entity as determined by the laws of the entity's state of domicile. A sole proprietorship can only be licensed as an individual independent adjuster. One or more individuals doing business under a trade name cannot obtain a business entity independent adjuster license absent formal organization as an entity.

(b) A business entity shall complete the Department's on-line licensing process to become licensed as an independent adjuster for a particular line or lines of insurance.

(c) Issuance of an Alabama business entity producer license to a foreign-domiciled business entity does not in itself satisfy any applicable Alabama constitutional and statutory requirements that may require the entity to qualify through or register with the Alabama Secretary of State in order to lawfully do business in Alabama.

(d) The business entity license applicant must identify at least one licensed individual independent adjuster designated as responsible for the business entity's compliance with all applicable laws, rules and regulations for each line of authority. The licensed individual independent adjuster(s) so designated must have such a degree of affiliation with the entity in terms of an ownership interest in the entity, a role as an officer or director, by contract or employment relationship, or otherwise as reasonably assures that the licensed individual independent adjuster can cause or influence the entity's compliance with all applicable laws, rules, and regulations.

(2) Individual Independent Adjuster. An individual, whether an Alabama resident or a nonresident, shall complete the Department's on-line licensing process to become licensed as an independent adjuster for a particular line or lines of authority.

(3) Unless exempt, an individual applicant must comply with the preclicensing education and examination requirements prior to making application for license as an independent adjuster.

(4) An individual or business entity may apply for an independent adjuster license for any or all of the lines of authority for which qualified at one time; however, subsequent applications for additional lines of authority are treated the same as initial applications. All license and application fees apply for each application submitted or transmitted.

(5) Instructions for the on-line licensing process, as it may change from time to time, will be provided on the Department's Web page.

(6) The initial fees for an independent adjuster license are set by statute as follows:

- (a) Application fee, set in Section 27-4-2(a)(11)a. \$20.00
- (b) For individual licensees, the license fee set in Section 27-4-2(a)(11)b.1. \$80.00
- (c) For business entity licensees, the license fee set in Section 27-4-2(a)(11)b.2. \$200.00

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(7) Subsequent changes in the name or address of an independent adjuster must be reported within 30 days thereof. While there is no filing fee for reporting such changes, there is a penalty of \$50 for the failure to report the changes within 30 days. Instructions for the name and address change process, as it may change from time to time, will be provided on the Department's Web page.

(8)(a) Individual and business entity independent adjusters are subject to the license renewal process set forth in Rule 482-1-151-.10.

(b) If an independent adjuster license is not renewed in accordance with Rule 482-1-151-.10 the license expires.

(c) Within twelve months of expiration, the former licensee can reapply for an independent adjuster license without having to retake the prelicensing course or examination by following the instructions for the on-line license reinstatement process, as it may change from time to time, as directed on the Department's Web page.

(d) When former licensees have been without a license for over twelve months, they must comply with any applicable prelicensing course and examination requirements before again applying for an independent adjuster license.

(9) When an independent adjuster's license is suspended or revoked, the former licensee should contact the Legal Division of the Department to receive instructions should the former licensee desire to again become licensed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.08 Apprentice Independent Adjuster License.

(1) An individual otherwise qualified as an independent adjuster except as to having taken and passed the written examination may apply for an apprentice independent adjuster license, according to the requirements set forth in this rule for one or more of the following lines of insurance:

(a) Property and Casualty, excluding Workers' Compensation and Crop.

(b) Workers' Compensation.

(c) Crop.

(d) Property and Casualty, including Workers' Compensation and Crop.

(2) The applicant must be actively engaged in a prelicensing course for the line or lines of authority. Evidence of enrollment in a course by an approved prelicense course provider will be required during the on-line licensing process.

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(3) The applicant must be under the supervision of a licensed independent adjuster holding the same line or lines of authority. A licensed independent adjuster may supervise no more than five apprentice independent adjusters at one time.

(4) The applicant shall complete the Department's on-line licensing process to become licensed as an apprentice independent adjuster producer for a particular line or lines of insurance. Instructions for the on-line licensing process, as they may change from time to time, will be provided on the Department's Web page.

(5) The apprentice independent adjuster license is valid for a maximum of twelve months, during which time the apprentice independent adjuster licensee must complete the preclicensing education and examination requirements to convert the license to a regular independent adjuster license.

(6) The fees for an apprentice independent adjuster license are the same as for an individual independent adjuster as set forth below:

- (a) Application fee, set in Section 27-4-2(a)(11)a. \$20.00
- (b) License fee, set in Section 27-4-2(a)(11)b.1. \$80.00

(7) An individual may only have one apprentice independent adjuster license for any one or more lines of authority in a lifetime, regardless of the length of time held.

(8)(a) Upon successful completion of the required independent adjuster examination, an unexpired apprentice independent adjuster license will be automatically converted to an individual independent adjuster license for the same line of authority covered by the examination. No additional fees are required at that time and the new individual independent adjuster license will be considered to have been first issued on the date of the conversion from the apprentice license for purposes of determining renewal and continuing education requirements.

(b) If the apprentice independent adjuster license expires prior to successful completion of the require examination, the individual must complete the application process for individual independent adjuster license to become licensed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.09 Emergency Independent Adjuster License.

(1) An individual may be registered as an Emergency Independent Adjuster according to the requirements set forth in this rule.

(2) The insurer shall complete the Department's on-line emergency independent adjuster registration process to register each emergency independent adjuster deployed in this state. Instructions for the on-line registration process, as they may change from time to time, will be provided on the Department's Web page.

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(3) Insurers shall submit a registration fee of \$50 for each emergency independent adjuster deployed in this state.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.10 Renewal of Licenses.

(1) All independent adjusters licensed in the State of Alabama are required to complete an application for license renewal with the Department according to the schedule set forth in this rule, which shall include the payment of the applicable fees, as set forth below:

(a) For individual licensees:

1. For renewals received on or before the license expiration date, the biennial license renewal fee as required by Section 27-4-2(a)(11)b.1. \$80.00

2. For renewals received during the first 30 days following the license expiration date, one and one-half times the biennial license renewal fee required by Section 27-4-2, as required in Section 27-9A-7(c) \$120.00

3. For renewals received after the first 30 days following the license expiration date but within 12 months following the license expiration date, double the biennial license renewal fee required by Section 27-4-2, as required in Section 27-9A-7(d) \$160.00

(b) For business entity licensees:

1. For renewals received on or before the license expiration date, the biennial license renewal fee as required by Section 27-4-2(a)(11)b.2. \$200.00

2. For renewals received during the first 30 days following the license expiration date, one and one-half times the biennial license renewal fee required by Section 27-4-2, as required in Section 27-9A-7(c) \$300.00

(2)(a)1. All individual licensees shall renew their license biennially based on their month and year of birth.

2. Licensees Born in Odd-numbered Years. Beginning in the year 2013, the license of an individual licensee born in an odd-numbered year will expire if not renewed at the end of the licensee's birth month in 2013 and every other year thereafter.

3. Licensees Born in Even-numbered Years. Beginning in the year 2014, the license of an individual licensee born in an even-numbered year will expire if not renewed at the end of the licensee's birth month in 2014 and every other year thereafter.

(b) Notice is hereby given that beginning approximately seventy-five (75) days prior to license expiration, individual licensees can access the Department's Web site for

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the purpose of completing their application for license renewal. An initial individual license shall not expire within the first seventy-five (75) days of its effective date.

(c) All individual licensees shall complete an application for license renewal on the Department's Web site by the license expiration date, to include payment of the applicable fee as set forth in paragraph (1).

(3)(a)1. Expiration of Business Entity Independent Adjuster Licenses in 2013 and Thereafter. Beginning in 2013, all business entity independent adjuster licenses shall expire if not renewed on December 31 of 2013 and every other year thereafter.

(b) Notice is hereby given that beginning on October 1 next preceding license expiration, business entity licensees can access the Department's Web site for the purpose of completing their application for license renewal.

(c) All business entity licensees shall complete an application for license renewal on the Department's Web site prior to license expiration, to include payment of the applicable fee as set forth in paragraph (1). Any license not renewed by the license expiration date may still be renewed during the first 30 days following expiration, with reinstatement retroactive to the expiration date, by paying the applicable fee set forth in paragraph (1).

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-11 Continuing Education.

(1) Individual licensees shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of ethics, in order to be eligible to renew an independent adjuster license, except as otherwise indicated in this rule.

(2)(a) Licensees Born in Odd-numbered Years, Renewal in 2013. Individual licensees born in odd-numbered years and licensed in this state as independent adjusters are not required to complete any educational requirements with the renewal of license due to be completed in accordance with paragraph (2) of Rule 482-1-151-.10 in the year 2013.

(b) Licensees Born in Even-numbered Years, Renewal in 2014 and thereafter. Along with the renewal of license due to be completed in accordance with paragraph (2) of Rule 482-1-151-.10 in the year 2014 and in every other year thereafter, every individual licensee born in an even-numbered year and licensed in this state as an independent adjuster and not exempt under subparagraph (2)(d) of Rule 482-1-151-.01 shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of independent adjuster ethics.

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(c) Licensees Born in Odd-numbered Years, Renewal in 2015 and thereafter. Along with the renewal of license due to be completed in accordance with paragraph (2) of Rule 482-1-151-.10 in the year 2015 and in every other year thereafter, every individual licensee born in an odd-numbered year and licensed in this state as an independent adjuster and not exempt under subparagraph (2)(d) of Rule 482-1-151-.01 shall satisfactorily complete such courses or programs of instruction as may be approved in accordance with this chapter in the minimum number of 24 classroom hours, 3 hours of which shall be on the topic of insurance independent adjuster ethics or business practices.

(3) A person teaching any approved course of instruction or lecturing at any approved seminar or program shall qualify for the same number of classroom hours as would be granted to a person taking and successfully completing such course, seminar or program.

(4) No independent adjuster may receive credit for any approved course more than once in any reporting period.

(5) For the purposes of this chapter, "classroom hour" shall mean a unit of at least fifty (50) minutes of participation in an approved course. This unit of measure shall apply to any classroom course, correspondence course, internet course, or other program or seminar of instruction approved by the Commissioner. Not more than ten (10) minutes of any sixty (60) minute period may be used for breaks, roll-taking, or administrative instructions. The total classroom hours, sometimes also referred to as "credit hours," for an approved course will be assigned by the Department in the course approval process.

(6) Independent adjusters also licensed as insurance producers need only complete a total of 24 classroom hours in approved courses. Courses approved for insurance producers will also count toward the education requirement for independent adjusters.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.12 Continuing Education Providers.

(1) The Commissioner shall approve and authorize providers of continuing education courses and programs, and will designate any such course as being acceptable for the purposes of this chapter. Each such authority holder must apply annually for the continued authority to offer continuing education courses in this state.

(2) The courses or programs of instruction successfully completed which shall be deemed to meet the Commissioner's standards for continuing educational requirements and the number of classroom hours for which they are equivalent are:

(a) Any course or program of instruction or seminar shall, subject to the approval of the Commissioner, qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner.

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(b) Any correspondence or internet course approved by the Commissioner shall qualify for the equivalency of the number of classroom hours assigned thereto by the Commissioner. To be approved, a correspondence or internet course must include an appropriate testing instrument requiring a grade of 70 percent to successfully complete the course. The examination must be administered by a third party proctor, who must sign an affidavit attesting to the fact that the student received no outside assistance in the completion of the final examination. The proctor cannot be a friend, relative, or co-worker of the licensee, nor anyone with a financial interest in the success of the licensee taking the examination.

(3) The commissioner shall not approve a course under this chapter:

(a) That is designed to prepare an individual to receive an initial license under Chapters 7 or 9A of the Insurance Code.

(b) Which deals only with office skills.

(c) Which concerns sales promotion and sales techniques.

(d) Which deals with motivation, psychology or time management.

(4) Every authorized provider of continuing education courses in this state shall, in accordance with the online process approved by the Commissioner, file a record of all licensees successfully completing each course or program within ten (10) days of the date said course or program is completed. In the case of a correspondence or internet course, this record shall be filed within ten (10) days of the date the provider assigns a grade to the final examination required in subparagraph (2)(b).

(5) At the time of filing its original application for authority as a continuing education course provider, each provider shall pay a filing fee of \$300.00. Each year thereafter, every provider shall pay a renewal fee for the continuation of the authority to offer continuing education courses in this state of \$100.00. This renewal fee shall be paid each year during the renewal period of November 1 to December 31. If the renewal application and fee are not received by December 31, the provider approval and all courses approved for that provider will expire.

(6) At the time of filing for course approval, providers shall pay a course approval filing fee of \$50.00 for each education course or program to be offered in this state. Once approved, no additional filing shall be required for a particular course or program unless the course materially changes. Please note that should the provider authority expire as indicated above, all courses approved for that provider will also expire. Should the provider again become authorized, all courses must be submitted for approval and the course approval fee indicated above must be paid for each such course.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

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482-1-151-.13 Compliance.

(1)(a) Every independent adjuster subject to this chapter shall complete an application for license renewal in accordance with Rule 482-1-151-.10.

(b) The license of any individual or business entity independent adjuster failing to complete the application for license renewal within the time specified in paragraph (2) of Rule 482-1-151-.10 will expire but there is a 30-day grace period following the expiration during which time the licensee can renew with payment of one and one-half times the renewal fee. If the individual independent adjuster shall complete the application for license renewal prior to the end of said 30-day grace period, along with the payment of the applicable fees, the license will not expire.

(2) Any licensee completing an application for license renewal in accordance with paragraph (1) above but failing to meet the educational requirements imposed by this chapter within the times set forth in this chapter will not be renewed until the licensee shall have complied with the educational requirements of this chapter.

(3) If the licensee has complied with the educational requirements of Rule 482-1-151-.11 and has otherwise complied with this chapter, the license will be renewed.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.14 Effect of disciplinary actions.

(1) The willful violation of any material provision of this chapter may subject a licensee to an administrative proceeding.

(2) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, an applicant may be issued a license on a probationary basis or an existing licensee may be placed on probation for a specified period of time or until certain specified conditions are complied with. A licensee on probation is allowed to become or remain licensed and to renew an existing license, as applicable, if the licensee has complied or is complying with the conditions specified in the settlement agreement, consent order, or other order imposing the probation during the stated term of the probation. During the term of the probation, the licensee remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education and license renewal. If so stated in the settlement agreement and consent order or in the order imposing the probation, failure to comply with the conditions set forth in the probation order may result in the immediate suspension or revocation of the license without further administrative proceedings.

(3) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be

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suspended for either a specified period of time or until certain specified conditions are complied with subject to the following:

(a) During the term of the suspension, the licensee may not engage in any actions or activity for which the license is required, but remains subject to all applicable requirements of the Insurance Code, including, but not limited to, requirements concerning continuing education.

(b) A suspended license may not be renewed if the renewal date occurs during the suspension term.

(c) A suspension is lifted upon expiration of its term or, if based on compliance with specified conditions, by an order issued upon the licensee's showing that the conditions have been met or complied with, or by an order issued after consideration of an application to lift the suspension has been submitted by the licensee. Upon lifting of the suspension, the license is deemed reinstated unless the license has expired or has otherwise terminated during the suspension term.

(d) If the license has expired or otherwise terminated during the suspension term less than twelve (12) months before the date on which the suspension is lifted, the licensee may immediately apply for a license without complying with any applicable prelicensing course and examination requirements. If over twelve (12) months have elapsed between the expiration or other termination of the license and lifting of the suspension, the licensee must comply with any applicable prelicensing course and examination requirements prior to applying for the license.

(4) By means of a settlement agreement and consent order, or by order issued after other appropriate administrative proceedings, the license of a licensee may be revoked subject to the following:

(a) The Commissioner's acceptance of a "voluntary surrender" of a license in lieu of administrative proceedings to revoke the license is deemed a revocation for purposes of this section irrespective of whether the settlement agreement and consent order or other order, or information provided by the Department to the NAIC, characterizes the action as a "revocation."

(b) From and after the date of revocation, the licensee may not engage in any actions or activity for which the license is required.

(c) A person whose license has been revoked must apply to the Commissioner for permission to apply for any form of license issued through the Department. Such application cannot be made before expiration of the later to occur of two (2) years after the revocation date or such longer period as may be specified in the revocation order. The application may be in the form of a letter addressed to the Commissioner with such attachments as the applicant may deem appropriate. Whether to grant such permission is at the sole discretion of the Commissioner and is dependent upon the receipt of satisfactory proof that the applicant has complied with such conditions for seeking a license, if any, specified in the revocation order, the conditions which led to the

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revocation have been corrected, and the possibility of recurrence of the conditions has been substantially mitigated or eliminated and should no longer be used to prevent the reapplication for license.

(d) If satisfied that reasons for the revocation are no longer present and should not be used to prevent the applicant from again becoming licensed, the Commissioner shall issue an order authorizing the applicant to again apply for a license. The applicant must comply with any applicable prelicensing course and examination requirements as if the applicant is initially applying for a license prior to applying for the license.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-148-.15 Transitory provisions.

(1) Fingerprinting.

(a) In accordance with Section 27-9A-18(b), the Commissioner can delay enforcement of the fingerprinting requirement for up to 24 months following January 1, 2012, to allow for implementation.

(b) A separate regulation will be promulgated to provide the requirements and procedures for fingerprinting.

(2) Temporary Independent Adjuster License.

(a) In accordance with Section 27-9A-18(b), until such time as the independent adjuster examination is implemented, any individual qualified for an independent adjuster license except as to the prelicensing course and examination requirements set forth in this Chapter, may be issued a temporary independent adjuster license.

(b) The individual will complete licensing process as set forth in Rule 482-1-151-.07, but will indicate the individual has not passed the examination.

(c) If approved, the temporary independent adjuster license will be valid for a period of time not to exceed three months following implementation of the title insurance agent examination.

(d) If necessary according to the renewal schedule set forth in Rule 482-1-151-.10, a temporary independent adjuster license may be renewed once.

(e) Temporary independent adjusters will be provided advance notice of the examination implementation date.

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Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012

482-1-151-.16 Severability and Effective Date.

(1) If any rule or portion of a rule or its applicability to any person or circumstance is held invalid by a court, the remainder of this chapter or the applicability of the provision to other persons or circumstances shall not be affected.

(2) This chapter shall become effective upon its approval by the Commissioner of Insurance and upon its having been on file as a public document in the office of the Secretary of State for ten days.

Author: Commissioner of Insurance

Statutory Authority: Ala. Code §§ 27-2-17 (1975) & 27-9A-18 (2011)

History: New October 18, 2012, effective October 28, 2012