

Amend CSSB 127 (House Committee Printing) as follows:

(1) In SECTION 3.02 of the bill, in added Subdivision (1), Section 1, Article 21.07-5, Insurance Code (page 7, line 4), strike "an individual" and substitute "a person".

(2) In SECTION 3.02 of the bill, in added Subparagraph (i), Paragraph (A), Subdivision (3), Section 1, Article 21.07-5, Insurance Code (page 7, line 10), strike "an individual who, for compensation" and substitute "a person who, for direct, indirect, or any other compensation".

(3) In SECTION 3.02 of the bill, in added Subparagraph (ii), Paragraph (A), Subdivision (3), Section 1, Article 21.07-5, Insurance Code (page 7, line 19), strike "an individual" and substitute "a person".

(4) In SECTION 3.02 of the bill, in added Subparagraph (vi), Paragraph (B), Subdivision (3), Section 1, Article 21.07-5, Insurance Code (page 8, line 17), strike "or".

(5) In SECTION 3.02 of the bill, in added Subparagraph (vii), Paragraph (B), Subdivision (3), Section 1, Article 21.07-5, Insurance Code (page 8, line 20), strike the period and substitute "; or".

(6) In SECTION 3.02 of the bill, in added Paragraph (B), Subdivision (3), Section 1, Article 21.07-5, Insurance Code, following Subparagraph (vii) (page 8, between lines 20 and 21), insert the following:

(viii) a full-time salaried employee of a property owner or a property management company retained by a property owner who:

(a) does not hold the employee out as a public insurance adjuster or a building, roofing, or other restoration contractor;

(b) has not been hired for the purpose of handling a specific claim resulting from a fire or casualty loss;
and

(c) acts at the sole discretion of the property owner or management company regarding a claim related to the owner's property.

(7) In SECTION 3.02 of the bill, in added Article 21.07-5,

Insurance Code, following added Section 5 (page 11, between lines 22 and 23), insert the following:

Sec. 5A. ISSUANCE OF LICENSE TO BUSINESS ENTITY. (a) The department shall adopt rules necessary to issue a public insurance adjuster license to a business entity organized under the laws of this state.

(b) Rules adopted by the department under Subsection (a) must:

(1) be analogous to rules adopted by the department under Section 2, Article 21.07 of this code; and

(2) contain qualifications for the issuance of a public insurance adjuster license analogous to the qualifications described by Section 5 of this article.

(c) The department may not issue a public insurance adjuster license to a business entity described by Subsection (a) unless at least one officer, active partner, or other managing individual of the business entity and each individual performing acts of a public insurance adjuster on behalf of the business entity in this state are individually licensed by the department separately from the business entity by the department under Section 5 of this article.

(8) In SECTION 3.02 of the bill, in added Section 7, Article 21.07-5, Insurance Code (page 13, line 10), strike "5 or 15" and substitute "5, 5A, 15, or 15A".

(9) In SECTION 3.02 of the bill, in added Subsection (e), Section 8, Article 21.07-5, Insurance Code (page 15, line 5), strike "5 or 15" and substitute "5, 5A, 15, or 15A".

(10) In SECTION 3.02 of the bill, in added Subsection (a), Section 9, Article 21.07-5, Insurance Code (page 15, lines 6 and 7), strike "the applicant" in the first place the phrase appears in the subsection and substitute "an examinee".

(11) In SECTION 3.02 of the bill, in added Subsection (a), Section 9, Article 21.07-5, Insurance Code (page 15, line 8), strike "applicant" in the second place the word appears in the subsection and substitute "examinee".

(12) In SECTION 3.02 of the bill, in added Subsection (b), Section 9, Article 21.07-5, Insurance Code (page 15, line 12), strike "applicants" and substitute "examinees".

(13) In SECTION 3.02 of the bill, in added Subsection (c), Section 9, Article 21.07-5, Insurance Code (page 15, line 14), strike "applicant" and substitute "examinee".

(14) In SECTION 3.02 of the bill, in added Section 10, Article 21.07-5, Insurance Code (page 15, line 20), strike "5 or 15" and substitute "5, 5A, 15, or 15A".

(15) In SECTION 3.02 of the bill, in added Subdivision (3), Section 10, Article 21.07-5, Insurance Code (page 15, line 26), strike "the name of the firm, if any," and substitute "if applicable, the name of the firm".

(16) In SECTION 3.02 of the bill, in added Subsection (a), Section 13, Article 21.07-5, Insurance Code, between "state" and "shall" (page 17, line 9), insert "or a business entity organized under the laws of this state".

(17) In SECTION 3.02 of the bill, in added Article 21.07-5, Insurance Code, following added Section 15 (page 22, between lines 4 and 5), insert the following:

Sec. 15A. LICENSE FOR NONRESIDENT BUSINESS ENTITY. (a) The department shall adopt rules necessary to issue a public insurance adjuster license to a business entity organized under the laws of another state or the United States.

(b) Rules adopted by the department under Subsection (a) must:

(1) be analogous to rules adopted by the department under Section 2, Article 21.07 of this code; and

(2) contain:

(A) qualifications for the issuance of a public insurance adjuster license analogous to the qualifications described by Section 15 of this article; and

(B) requirements for the performance of the duties and powers of a public insurance adjuster analogous to the requirements described by Section 15 of this article.

(c) The department may not issue a public insurance adjuster license to a business entity described by Subsection (a) unless at least one officer, active partner, or other managing individual of the business entity and each individual performing acts of a public insurance adjuster on behalf of the business entity in this state

are individually licensed by the department separately from the business entity under Section 15 of this article.

(18) In SECTION 3.02 of the bill, in added Subsection (b), Section 20, Article 21.07-5, Insurance Code (page 24, line 12), strike "The" and substitute "On the filing of a completed renewal application, renewal fee, and, if applicable, evidence of compliance with the continuing education requirements, the".

(19) In SECTION 3.02 of the bill, in added Subsection (a), Section 25, Article 21.07-5, Insurance Code (page 31, lines 2 through 5), strike the final sentence of the subsection, and substitute "A licensee may not divert or appropriate fiduciary funds received or held."

(20) In SECTION 3.02 of the bill, in added Subdivision (3), Subsection (a), Section 30, Article 21.07-5, Insurance Code (page 32, line 25), strike "wilful".

(21) In SECTION 3.02 of the bill, in added Subsection (a), Section 32, Article 21.07-5, Insurance Code (page 35, lines 7 and 8), strike "Except as provided by Section 25(a) of this article, an" and substitute "An".

(22) In SECTION 3.02 of the bill, in added Section 32, Article 21.07-5, Insurance Code, following added Subsection (a) (page 35, between lines 9 and 10), insert the following new subsection and renumber subsequent subsections accordingly:

(b) If conduct that constitutes an offense under Subsection (a) also constitutes an offense under any other law, the person committing the offense may be prosecuted under this section or the other law.