

By: Jackson

H.B. No. 211

A BILL TO BE ENTITLED

1 AN ACT

2 relating to an exemption from public insurance adjuster license
3 requirements for certain persons.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 4102.002, Insurance Code, is amended to
6 read as follows:

7 Sec. 4102.002. GENERAL EXEMPTIONS. This chapter does not
8 apply to:

9 (1) an officer or employee of the federal or state
10 government or of a political subdivision of the state government
11 while the officer or employee is engaged in the performance of
12 official duties;

13 (2) an attorney engaged in the performance of the
14 attorney's professional duties;

15 (3) insurers admitted to do business in the state and
16 agents licensed by this state, engaged in the performance of their
17 duties in connection with insurance transactions;

18 (4) the legal owner of personal property that has been
19 sold under a conditional sales agreement or a mortgagee under the
20 terms of a chattel mortgage;

21 (5) a salaried office employee who performs
22 exclusively clerical or administrative duties attendant to the
23 disposition of the business regulated by this chapter;

24 (6) a photographer, estimator, appraiser, engineer,

1 or arbitrator employed by a public insurance adjuster exclusively
2 for the purpose of furnishing technical assistance to the licensed
3 public insurance adjuster;

4 (7) a private investigator licensed under Chapter
5 1702, Occupations Code, while acting within the scope of that
6 license; ~~or~~

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

9 (A) does not hold the employee out as:

10 (i) a public insurance adjuster; or

11 (ii) a building, roofing, or other
12 restoration contractor;

13 (B) has not been hired to handle a specific claim
14 resulting from a fire or casualty loss; and

15 (C) acts at the sole discretion of the property
16 owner or management company regarding a claim related to the
17 owner's property; or

18 (9) a person, or an employee of the person, who, solely
19 for or on behalf of any federally regulated mortgagee or entity that
20 services the mortgagee's loans:

21 (A) files, adjusts, investigates, or processes
22 property insurance claims; or

23 (B) conducts or reviews property inspections in
24 conjunction with those property insurance claims.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2009.