

By: Shapiro

S.B. No. 262

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

S.B. No. 262

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2009.