

By: Thompson of Brazoria

H.B. No. 3843

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of prohibited conduct by public insurance adjusters.

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

SECTION 1. Chapter 35, Penal Code, is amended by adding Section 35.05 to read as follows:

Sec. 35.05. PROHIBITED CONDUCT BY PUBLIC INSURANCE ADJUSTERS. (a) In this section, "public insurance adjuster" means a license holder under Chapter 4102, Insurance Code.

(b) A public insurance adjuster commits an offense if the public insurance adjuster directly or indirectly solicits employment for an attorney licensed in this state in connection with an insurance claim or insured loss and without having first provided the services customarily undertaken by a public insurance adjuster.

(c) A public insurance adjuster commits an offense if the public insurance adjuster, in exchange for referring an insurance claim to an attorney at any time:

(1) receives a fee or other compensation from the attorney; or

(2) splits a fee or other compensation with the attorney.

(d) A public insurance adjuster commits an offense if the public insurance adjuster:

1 (1) solicits or accepts compensation from, or has a
2 financial interest in, any person or entity, including a salvage
3 firm, general contractor, subcontractor, repair firm, or other
4 firm, that obtains business in connection with an insurance claim
5 or insured loss that the public insurance adjuster has a contract or
6 agreement to adjust; or

7 (2) refers an insured in connection with an insurance
8 claim or insured loss to any person or entity in which the public
9 insurance adjuster has a financial interest or from whom the public
10 insurance adjuster reasonably expects direct or indirect
11 compensation as a result of the referral.

12 (e) An offense under this section is a Class A misdemeanor.

13 SECTION 2. The heading to Chapter 35, Penal Code, is amended
14 to read as follows:

15 CHAPTER 35. INSURANCE FRAUD AND OTHER PROHIBITED CONDUCT

16 SECTION 3. This Act takes effect September 1, 2015.