

HOUSE BILL 36

C4

(PRE-FILED)

4lr0332
CF SB 231

By: **Chair, Economic Matters Committee (By Request – Departmental – Maryland Insurance Administration)**

Requested: September 15, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Insurance – Protections After Loss or Damage to Property**

3 FOR the purpose of prohibiting a public adjuster, or anyone acting on behalf of a public
4 adjuster, from soliciting or attempting to solicit a client within a certain period of
5 time after a loss or damage as covered by an insurance contract or between certain
6 hours; altering the statements that are required to be included in a public adjuster
7 contract; altering the services with respect to which it is a fraudulent insurance act
8 for a contractor to take certain actions; and generally relating to insurance and
9 protections after loss or damage to property.

10 BY repealing and reenacting, without amendments,
11 Article – Insurance
12 Section 10–411(a)
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2023 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Insurance
17 Section 10–411(h), 10–414, and 27–407.2
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2023 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Insurance**

23 10–411.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) A contract for public adjuster services shall:

(1) be in writing;

(2) be titled "Public Adjuster Contract"; and

(3) contain the following:

(i) the legible full name of the public adjuster signing the contract, as specified in the records of the Administration;

(ii) the permanent business address and phone number of the public adjuster in the public adjuster's home state;

(iii) the license number issued by the Administration to the public adjuster;

(iv) the insured's full name, street address, insurance company name, and policy number, if known or on notification;

(v) a description of the loss and the location of the loss, if applicable;

(vi) a description of services to be provided to the insured;

(vii) the signatures of the public adjuster and the insured;

(viii) the dates when the contract was signed by the public adjuster and the insured, respectively;

(ix) notification to the insured that:

1. the public adjuster may incur out-of-pocket expenses on behalf of the insured; and

2. these expenses incurred by the public adjuster and approved by the insured will be reimbursed to the public adjuster from the insurance proceeds; and

(x) the full salary, fee, commission, compensation, or other consideration the public adjuster is to receive for services.

(h) The public adjuster contract shall contain a statement that:

(1) the insured has the right to rescind or cancel the contract:

(I) within 3 business days after the date the contract was signed IF THE INSURED IS UNDER THE AGE OF 65 YEARS; OR

(II) WITHIN 7 BUSINESS DAYS IF THE INSURED IS AT LEAST 65 YEARS OLD;

(2) the notice of rescission or cancellation shall be in writing and mailed or delivered to the public adjuster at the address stated in the contract within [that 3-business-day] **THE APPLICABLE TIME** period **SPECIFIED IN ITEM (1) OF THIS SUBSECTION; [and]**

(3) if the insured exercises the right to rescind or cancel the contract, the public adjuster shall, within 15 business days after the public adjuster receives the notice, return anything of value given by the insured under the contract; **AND**

(4) PROVIDES A NOTICE TO THE INSURED THAT A PUBLIC ADJUSTER, OR ANYONE ACTING ON BEHALF OF A PUBLIC ADJUSTER, MAY NOT SOLICIT OR ATTEMPT TO SOLICIT A CLIENT:

(I) WITHIN 24 HOURS AFTER A LOSS OR DAMAGE AS COVERED BY AN INSURANCE CONTRACT; OR

(II) BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M.

10-414.

(a) A public adjuster is obligated to:

(1) serve with objectivity and complete loyalty the interest of the client alone;

(2) render to the insured the information, counsel, and service that will best serve the insured's insurance claim needs and interests, within the knowledge, understanding, and opinion in good faith of the public adjuster; and

(3) disburse insurance settlement payments received on behalf of the insured within 15 business days after the date of the payment from an insurer.

(b) A public adjuster may not allow an unlicensed employee or representative of the public adjuster to conduct business for which a license is required under this subtitle.

(c) Unless full written disclosure has been made to the insured in accordance with § 10-411 of this subtitle, a public adjuster may not have a direct or indirect financial interest in any aspect of a claim, other than the salary, fee, commission, or other consideration established in the written contract with the insured.

(d) A public adjuster may not acquire any interest in salvage of property subject to a public adjuster contract with the insured unless the public adjuster obtains written

1 permission from the insured.

2 **(E) A PUBLIC ADJUSTER, OR ANYONE ACTING ON BEHALF OF A PUBLIC**
3 **ADJUSTER, MAY NOT SOLICIT OR ATTEMPT TO SOLICIT A CLIENT:**

4 **(1) WITHIN 24 HOURS AFTER A LOSS OR DAMAGE AS COVERED BY AN**
5 **INSURANCE CONTRACT; OR**

6 **(2) BETWEEN THE HOURS OF 8:00 P.M. AND 8:00 A.M.**

7 27-407.2.

8 It is a fraudulent insurance act for a contractor offering home repair or remodeling
9 services for damages to a private residence [caused by weather], to directly or indirectly
10 pay or otherwise compensate an insured, or offer or promise to pay or compensate an
11 insured, with the intent to defraud an insurer, for any part of the insured's deductible under
12 the insured's property or casualty insurance policy, if payment for the services will be made
13 from the proceeds of the policy.

14 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
15 **October 1, 2024.**