

## **Title 19: Department of Insurance**

### **Part 1: General**

#### **Part 1 Chapter 36: Licensure and Regulation of Public Adjusters**

##### **Rule 36.01: Purpose**

The purpose of this Regulation is to set forth the rules and regulations for the licensure and regulation of public adjusters in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-501, *et seq.* (Rev. 2022)

##### **Rule 36.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance as required pursuant to the provisions of the Licensure and Regulation of Public Adjusters Act ("Act"), *Miss. Code Ann.* §§83-17-501, *et seq.*; as well as the provisions of 19 Miss. Admin. Code, Part 1, Chapter 15, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department and State Fire Marshal's Office.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-501, *et seq.* (Rev. 2022)

##### **Rule 36.03: Scope**

This Regulation shall apply to individuals who act as a public adjuster in the State of Mississippi as defined in said Act and Rule 36.04(E) of this Regulation.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-501, *et seq.* (Rev. 2022)

##### **Rule 36.04: Definitions**

As used in this Regulation, the following terms shall be defined as follows:

- A. Commissioner - Commissioner of Insurance.
- B. Department - Mississippi Insurance Department.
- C. Insured - person or business entity who is the policyholder under a real or personal property insurance claim.
- D. Insurer - any insurance company or self-insured person or entity, including surplus lines companies.

- E. Public Adjuster - any person who, direct, indirect, or any other for compensation or any other thing of value on behalf of the insured and subject to the prohibition provided in Section 73-3-55:
1. Acts or aids, solely in relation to first party claims arising under insurance contracts that insure the real or personal property of the insured, on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;
  2. Advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or,
  3. Directly or indirectly solicits business, investigates or adjusts losses an insured about first party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy for the insured.

A public adjuster shall not include an attorney at law.

- F. Person – an individual, firm, company, association, organization, partnership, limited liability company or corporation.
- G. Home state - any state or territory of the United States or the District of Columbia in which a public adjuster:
1. Maintains their principal place of residence or business; and
  2. Is licensed to act as a resident public adjuster.

Source: *Miss. Code Ann.* § 83-17-501, *et seq.* (Rev. 2022)

#### **Rule 36.05: Licensing Requirements**

The Department shall issue licenses to public adjusters and emergency public adjusters in the State of Mississippi. The licensing procedure and requirements are as follows:

- A. Individual Public Adjuster License - To apply for this license, an applicant must provide the following information and meet the following conditions.
1. Licensing Requirements:
    - a. Applicant is at least twenty-one (21) years of age;

- b. Applicant is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as a public adjuster in such other state;
- c. Applicant is a trustworthy person, reliable, and of good reputation, evidence of which shall be determined through an investigation of the commissioner;
- d. Applicant has had experience or special education or training with reference to the handling of loss claims under insurance contracts of sufficient duration and extent to make him competent to fulfill the responsibilities of a public adjuster, as will be discussed further in this Regulation;
- e. Applicant has successfully passed an examination as required by the Commissioner or has been exempted according to the provisions of the Act and this Regulation;
- f. Applicant is financially responsible to exercise the license. To demonstrate financial responsibility, a person applying for a public adjuster license shall:
  - 1. Obtain a bond or irrevocable letter of credit prior to issuance of a license and shall maintain the bond or letter of credit for the duration of the license with the following limits:
    - a. A surety bond executed and issued by an insurer authorized to issue surety bonds in Mississippi, which bond shall:
      - i. Be in the minimum amount of Fifty Thousand Dollars (\$50,000.00);
      - ii. Be in favor of the State of Mississippi;
      - iii. Specifically authorize recovery of any person in Mississippi who sustained damages as the result of the public adjuster's erroneous acts, failure to act, conviction of fraud, or conviction for unfair trade practices in his or her capacity as a public adjuster; and
      - iv. Not be terminated unless written notice is given to the licensee at least thirty (30) days prior to the termination; or
    - b. An irrevocable letter of credit issued by a qualified financial institution, which letter of credit shall:

- i. Be in the minimum amount of Fifty Thousand Dollars (\$50,000.00);
  - ii. Be subject to lawful levy of execution on behalf of any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, conviction of fraud, or conviction for unfair practices in his or her capacity as a public adjuster; and
  - iii. Not be terminated unless written notice is given to the licensee at least thirty (30) days prior to the termination.
- 2. The commissioner may ask for evidence of financial responsibility at any time the commissioner deems relevant.
- 3. If the evidence of financial responsibility terminates or becomes impaired, the public adjuster license shall:
  - a. Automatically terminate; and
  - b. Be promptly surrendered to the commissioner without demand.
- g. Submission of the license and application fee as set forth in *Miss. Code Ann.* § 27-15-97; and,
- h. Has not committed any act that is a ground for probation, suspension, revocation, or refusal of a license as set forth in Section 83-17-519.
- B. Nonresident Public Adjuster License – a nonresident applying for a public adjuster license must meet the requirements as provided in Subsection A of this section, and must also:
  - 1. Provided documentation that the person is currently licensed in good standing as a public adjuster in their home state; and,
  - 2. The applicant’s designated home state issues nonresident Public Adjuster licenses to residents of Mississippi on the same basis.
- C. Business Entity Public Adjuster License- A business entity acting as a resident public adjuster is required to obtain a public adjuster license.

1. A business entity applying for a resident public adjuster license shall make an application to the commissioner on the appropriate uniform business entity application, in a form or format prescribed by the commissioner.
  2. An applicant under paragraph (1) of this subsection shall declare under penalty of suspension, revocation, or refusal of the license that the statements made in the application are true, correct, and complete to the best of the business entity's knowledge and belief.
  3. Before approving an application submitted under paragraph (a) of this subsection, the commissioner shall find that the business entity:
    - a. Is eligible to designate Mississippi as its home state;
    - b. Has designated a licensed adjuster or public adjuster responsible for the business entity's compliance with the insurance laws and regulations of Mississippi;
    - c. Has not committed an act that is a ground for probation, suspension, revocation, or refusal of a public adjuster's license as set forth in Section 83-17-519; and
    - d. Has paid the privilege tax pursuant to Section 27-15-97.
  4. Each public adjuster employed or connected to the business entity adjusting claims in Mississippi must also hold an individual public adjuster license.
- D. Emergency License - The Commissioner may issue Emergency Licenses in the event of a catastrophe or emergency which arises out of a disaster, Act of God, riot, civil commotion, conflagration or other similar occurrence to persons who are residents or nonresidents of this state and who may or may not be licensed as public adjusters.
1. To apply for this emergency license, an applicant must provide the following information and meet the following conditions:
    - a. An applicant must be certified by either a person licensed under the provisions of the Act, or by any other person as approved by the Commissioner. Certification shall mean any written representations addressed to the Commissioner concerning the integrity, competence and qualification of a person, in form and content satisfactory to the Commissioner. Any person who certifies an applicant shall be responsible for the loss or claims practices of the emergency license holder;
    - b. The application and certification must be filed with the Department within five (5) days of the applicant beginning work as a public adjuster; and,

- c. Submission of the license and application fee in the amount of Fifty Dollars (\$50.00), submitted to the Commissioner within thirty (30) days of the issuance of the emergency license.
  2. Emergency licenses shall be in force for ninety (90) days and may be extended for an additional ninety (90) day period by the Commissioner.
  3. Should the public adjuster who certifies the emergency public adjuster either forfeit, surrender, or has his license revoked by the Commissioner, that shall also serve to revoke the emergency license of the emergency public adjuster immediately and without notice or hearing.
- E. Public Adjuster Trainee Registration - An individual, who is undergoing education and training as a public adjuster under the direction and supervision of a licensed public adjuster for a period not exceeding twelve (12) months may act as a public adjuster without having a public adjuster's license, upon the following conditions:
1. At the beginning of such training period, the name of such trainee shall be registered as such with the Commissioner along with the information regarding the licensed public adjuster who is training the public adjuster trainee; and,
  2. Submission of a registration fee as set forth in *Miss. Code Ann.* § 27-15-97, shall be submitted to the Commissioner at the time of registration.

Source: *Miss. Code Ann.* §§ 83-5-505; 83-17-507; 83-17-509 (Rev. 2022)

#### **Rule 36.06: Reciprocity**

The Commissioner may enter into reciprocal agreements with other states for mutual recognition of individual license holders, education or continuing education courses, provided that the other state will award licenses or recognize education or continuing education courses to residents of this state and as long as that state's requirements are substantially equivalent to those set forth under the Act or this Regulation.

Source: *Miss. Code Ann.* § 83-5-507. (Rev. 2022)

#### **Rule 36.07: Continuing Education Requirements**

Every individual seeking to receive a renewal license under the Act or this Regulation shall satisfactorily complete twelve (12) hours of study in approved courses during each twelve - month period.

- A. Renewal Period - Continuing education requirements are good for one year. It shall be the responsibility of each individual to maintain records documenting continuing education activity and to submit this documentation upon completion of the course.

B. Approved Courses - Only those courses approved by the Department for individual adjusters or public adjusters shall fulfill the requirements of the Act and this Regulation.

1. Department Approved Courses - To be approved by the Department, the course or program must be one that educates on the aspects of adjusting real or personal property. For any course to be approved as a continuing education class must be submitted to the Department pursuant to *Miss. Code Ann.* § 83-17-253 and the Continuing Education Guidelines set forth by the Commissioner with a course outline and receive approval prior to the actual class being held.
2. Other Credits - The Commissioner may, at his discretion, approve continuing education credits for teaching of classes or for any other class, work or activity performed that the Commissioner approves as satisfaction of the continuing education requirements. It is the responsibility of the individual person to receive such approval from the Commissioner.

C. Failure to Complete Requirements - The failure of any individual to timely complete or submit their continuing education requirements shall result in denial of their renewal license until said continuing education requirements are met. Failure to satisfy the requirements within twelve (12) months of renewal will result in the public adjuster having to reapply for a license and take the pre-licensing examination.

D. Continuing Education Reciprocity - An individual's satisfaction of his or her home state's continuing education requirements for licensure shall constitute satisfaction of this state's continuing education requirements if the individual's home state recognizes the satisfaction of its continuing education requirements imposed upon individuals from this state on the same basis.

Source: *Miss. Code Ann.* § 83-17-513 (Rev. 2022)

#### **Rule 36.08: Pre-Licensing Examination**

Each initial applicant shall take and pass an examination given by the Commissioner, or any entity he designates, to verify the applicant's knowledge, qualifications and competency. The failure of an applicant to pass the examination shall constitute denial of their license application. However, an initial applicant who is licensed as a public adjuster in another state with whom the Department has a reciprocity agreement as defined in Section 6 of this Regulation may be exempt from this requirement upon verification of the applicant's completion of the reciprocal state's pre-licensing requirements.

Source: *Miss. Code Ann.* § 83-5-515. (Rev. 2022)

#### **Rule 36.09: Violations and Penalties**

The Commissioner shall have the ability to issue penalties due to violations of the Act or Regulation, as more specifically stated in this Section.

A. Violations: The following are violations that will result in administrative actions by the Commissioner:

1. Intentionally making a material misstatement in the application for an initial or renewal license;
2. Obtaining, or attempting to obtain, a license by fraud or misrepresentation;
3. Misappropriating, converting, or withholding money belonging to or entity;
4. Demonstrating a lack of trustworthiness or competence to act as a public adjuster, including ethical violations as set forth in this Regulation;
5. Convicted of fraudulent or dishonest practices or a felony;
6. Materially misrepresented the terms and conditions of insurance policies or contracts or failed to identify himself as a public adjuster;
7. Obtaining or attempting to obtain a license for a purpose other than holding himself out to the general public as a public adjuster;
8. Violating any insurance law, regulation, subpoena, or order of the Commissioner of any other state's commissioner of insurance
9. Failure to notify the Commissioner in writing within thirty (30)days of final disposition of any administrative action or of any criminal action taken against the public adjuster in any jurisdiction; or,
10. Failure to timely respond to any inquiry by the Commissioner.

The Department reserves the right to forward any information concerning a violation of the proper law enforcement entity or the Office of the Attorney General for further investigation or action.

B. Notice and Hearing.

4. Before any license shall be denied, refused, suspended, or revoked, or an administrative penalty of not more than Five Thousand Dollars (\$5000.00) be issued, the Commissioner shall give the applicant or licensee at least twenty (20) days written notice of his intention to hold a hearing on this matter in the manner as prescribed by 19 Miss. Admin. Code., Part 1, Chapter 15, "Rules of Practice and Procedure Before the Mississippi Insurance Department and State Fire Marshal's Office".



2. Once notice is received by a licensee that shall constitute immediate suspension of their license.
3. No licensee whose license was revoked pursuant to this Act or Regulation shall be entitled to file another application for a license within one (1) year from the effective date of final order of revocation.

Source: *Miss. Code Ann.* §83-17-519 (Rev. 2022)

**Rule 36.10: Written Contracts and Ethical Requirements**

- A. Written Contracts - all contracts shall be in writing, signed by the insured and the public adjuster who solicits the contract, and a copy of the contract shall be provided to the insured upon execution. Furthermore, all contracts must meet the written and ethical requirements as provided in *Miss. Code Ann.* Section 83-17-523 (1) and (2).
- B. A violation of any provision of *Miss. Code Ann.* § 83-17-523 may result in an administrative action being taken by the Department against the public adjuster
- C. A copy of the written contract shall be kept for at least five (5) years after the termination of the transaction and shall be open to the examination by the Commissioner at all times; and,
- D. A contract may be revoked or cancelled. A revocation or cancellation of a public adjuster contract shall be:
  1. In writing;;
  2. 2. Mailed or delivered to the public adjuster at the address in the contract; and
  3. Postmarked or received within the five-business-day period.
- E. If an insured exercises the right to revoke or cancel a contract, anything of value given by the insured under the contract to the public adjuster shall be returned to the insured within fifteen (15) business days following receipt by the public adjuster of the contract revocation or cancellation.

Source: *Miss. Code Ann.* § 83-5-523. (Rev. 2022)

**Rule 36.11: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code Ann.* § 83-5-1 (Rev. 2022)

**Rule 36.12:** Effective Date

The Effective Date of this Regulation shall be July 1, 2007.

Source: *Miss. Code Ann.* § 25-43-3.113 (Rev. 2018)

**Rule 36.13:** Exhibit A- Surety Bond for Public Adjuster Filed with the Mississippi Insurance Department

SURETY BOND FOR PUBLIC ADJUSTER FILED WITH  
THE MISSISSIPPI INSURANCE DEPARTMENT

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

This form shall not be altered in any way.

Part 1: Bond, Surety and Principal.

|                                     |  |   |
|-------------------------------------|--|---|
| Bond #:                             | Original Bond Date of Issuance:        | If a Continuation Bond, Effective Date: |
| Name of the Surety Company:         | NAIC # of Surety Company:              | MID License Number of Surety Company:   |
| Name of Principal (Public Adjuster) | MID License Number of Public Adjuster: | Amount of Bond:<br>\$50,000.00          |

Part 2: Type and Bond Amount.

The type and amount of the bond for one year commencing on the original date of issuance or continuation stated hereinabove at Part 1 is as follows:

**Public Adjuster, Bond Equal to Fifty Thousand current U.S. Dollars (\$50,000.00)**

Part 3: KNOW ALL MEN BY THESE PRESENTS THAT, the Principal and Surety, who, after being duly sworn, deposed and said:

**THAT** they are firmly bound unto the Commissioner of Insurance , State of Mississippi, or his successor in office, under the surety bond, delivered in lieu of errors and omissions liability insurance coverage, conditioned only for and dedicated exclusively to the prompt payment of all claims arising and accruing to any persons who sustained damages as a result of the Principals erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices in his capacity as a public adjuster for which the Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, by this agreement;

**THAT** the Commissioner of Insurance shall be authorized to recover on behalf of any person in the State of Mississippi who sustained damages described herein;

**THAT** the condition of this obligation is such that if the above named Principal shall well and faithfully discharge and perform the duties incumbent on him under the provisions of all applicable laws, including but not limited to Title 83 of the Mississippi Code and Mississippi Insurance Department Regulation 2007-4, then in such case the above obligation is to become null and void, else to remain in full force, effect and virtue;

**THAT** the provisions of all applicable laws, including but not limited to Title 83 of the Mississippi Code and Mississippi Insurance Department Regulation 2007-4, for principals and sureties are applicable;

**THAT** this surety bond shall not be terminated unless at least thirty days' prior written notice will have been filed with the Commissioner of Insurance, State of Mississippi, and given to the principal;

**THAT** this obligation may be continued for any subsequent year by a continuation certificate duly signed and sealed by the Principal and Surety, subject to the terms and conditions of the original bond, and filed with the Commissioner of Insurance, State of Mississippi;

**IN WITNESS THEREOF**, Principal and Surety have executed this bond on the dates stated hereinbelow.

Part 4. Signatures and Notary. Complete all information

BY:

|                               |      |  |      |
|-------------------------------|------|--|------|
| Principal                     | Date | Surety's Authorized Representative                     | Date |
| Print Name                    |      | Print Name/Title of Surety's Authorized Representative |      |
| Physical Address of Principal |      | Physical Address of Surety                             |      |

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

{Seal of Notary Public}

\_\_\_\_\_  
Notary Public

If a power of attorney used, a copy of the power of attorney or the authorized agent of the surety company must accompany the bond.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-505. (Rev. 2022)

## **Title 19: Department of Insurance**

### **Part 1: General**

#### **Part 1 Chapter 36: (2007-4) Licensure and Regulation of Public Adjusters**

##### **Rule 36.01: Purpose**

The purpose of this Regulation is to set forth the rules and regulations for the licensure and regulation of public adjusters in the State of Mississippi.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-501, *et seq.* (Rev. 2011 2022)

##### **Rule 36.02: Authority**

This Regulation is promulgated by the Commissioner of Insurance as required pursuant to the provisions of the Licensure and Regulation of Public Adjusters Act ("Act") , *Miss. Code Ann.* §§83-17-501, *et seq.* House Bill 1524, 2007 Regular Session, as approved by the Governor of Mississippi, as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101 19 Miss. Admin. Code, Part 1, Chapter 15, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department and State Fire Marshal's Office.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-501, *et seq.* (Rev. 2011 2022)

##### **Rule 36.03: Scope**

This Regulation shall apply to individuals who act as a public adjuster in the State of Mississippi as defined in said Act and Section 4(E) of this Regulation.

Source: *Miss. Code Ann.* §§ 83-5-1; 83-17-503 (Rev. 2011 2022)

##### **Rule 36.04: Definitions**

As used in this Regulation, the following terms shall be defined as follows:

- A. Commissioner - Commissioner of Insurance.
- B. Department - Mississippi Insurance Department.
- C. Insured - person or business entity who is the policyholder under a real or personal property insurance claim.
- D. Insurer - any insurance company or self-insured person or entity, including surplus lines companies.

- E. Public Adjuster - any person who, direct, indirect, or any other for compensation or any other thing of value on behalf of the insured and subject to the prohibition provided in Section 73-3-55:
1. Acts or aids, solely in relation to first party claims arising under insurance contracts that insure the real or personal property of the insured, on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by an insurance contract;
  2. Advertises for employment as a public adjuster of insurance claims or solicits business or represents himself or herself to the public as a public adjuster of first party insurance claims for losses or damages arising out of policies of insurance that insure real or personal property; or,
  3. Directly or indirectly solicits business, investigates or adjusts losses an insured about first party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person engaged in the business of adjusting losses or damages covered by an insurance policy for the insured.

A public adjuster shall not include an attorney at law.

- F. Person – an individual, firm, company, association, organization, partnership, limited liability company or corporation.
- G. Home state - any state or territory of the United States or the District of Columbia in which a public adjuster:
1. Maintains their principal place of residence or business; and
  2. Is licensed to act as a resident public adjuster.

Source: *Miss. Code Ann.* §§83-5-1; 83-17-501 (Rev. ~~2011~~ 2022)

#### **Rule 36.05: Licensing Requirements**

The Department shall issue licenses to public adjusters and emergency public adjusters in the State of Mississippi. The licensing procedure and requirements are as follows:

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1. Licensing Requirements:
    - a. Applicant is at least twenty-one (21) years of age;

- b. Applicant is a bona fide resident of this state, or is a resident of a state which will permit residents of this state to act as a public adjuster in such other state;
  - c. Applicant is a trustworthy person, reliable, and of good reputation, evidence of which shall be determined through an investigation of the commissioner ;
  - d. Applicant has had experience or special education or training with reference to the handling of loss claims under insurance contracts of sufficient duration and extent to make him competent to fulfill the responsibilities of a public adjuster, as will be discussed further in this Regulation;
  - e. Applicant has successfully passed an examination as required by the Commissioner or has been exempted according to the provisions of the Act and this Regulation;
  - f. Applicant ~~submits documentation that he has either a bond or an errors or omissions policy in force in the amount of Fifty Thousand Dollars (\$50,000) to cover any loss or claims practice of the public adjuster, or any holder of an emergency license certified by him, a copy of the Bond form is attached hereto as Exhibit "A"; and is financially responsible to exercise the license. To demonstrate financial responsibility, a person applying for a public adjuster license shall:~~
4. Obtain a bond or irrevocable letter of credit prior to issuance of a license and shall maintain the bond or letter of credit for the duration of the license with the following limits:
- a. A surety bond executed and issued by an insurer authorized to issue surety bonds in Mississippi, which bond shall:
    - i. Be in the minimum amount of Fifty Thousand Dollars (\$50,000.00);
    - ii. Be in favor of the State of Mississippi;
    - iii. Specifically authorize recovery of any person in Mississippi who sustained damages as the result of the public adjuster's erroneous acts, failure to act, conviction of fraud, or conviction for unfair trade practices in his or her capacity as a public adjuster; and

- iv. Not be terminated unless written notice is given to the licensee at least thirty (30) days prior to the termination; or
  - b. An irrevocable letter of credit issued by a qualified financial institution, which letter of credit shall:
    - i. Be in the minimum amount of Fifty Thousand Dollars (\$50,000.00);
    - ii. Be subject to lawful levy of execution on behalf of any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, conviction of fraud, or conviction for unfair practices in his or her capacity as a public adjuster; and
    - iii. Not be terminated unless written notice is given to the licensee at least thirty (30) days prior to the termination.
- 5. The commissioner may ask for evidence of financial responsibility at any time the commissioner deems relevant.
- 6. If the evidence of financial responsibility terminates or becomes impaired, the public adjuster license shall:
  - a. Automatically terminate; and
  - b. Be promptly surrendered to the commissioner without demand.
- i. Submission of the license and application fee ~~in the amount of Fifty Dollars (\$50.00)~~ as set forth in *Miss. Code Ann.* § 27-15-97~~;~~ and,
  - j. Has not committed any act that is a ground for probation, suspension, revocation, or refusal of a license as set forth in Section 83-17-519.
- 2. This license shall be valid for a period of one (1) year from June 1st to May 31st of the following year and shall be renewed annually
- B. Nonresident Public Adjuster License – a nonresident applying for a public adjuster license must meet the requirements as provided in Subsection A of this section, and must also:
  - 1. Provided documentation that the person is currently licensed in good standing as a public adjuster in their home state; and,

2. The person's designated home state issues nonresident Public Adjuster licenses to residents of Mississippi on the same basis.
- € Business Entity Public Adjuster License- A business entity acting as a resident public adjuster is required to obtain a public adjuster license. ~~This license shall be subject to the same conditions and terms as the Individual Public Adjuster License.~~
- 
- ~~1. Application shall include:~~
- ~~a. Application form;~~
  - ~~b. The name of the licensed individual public adjuster that shall be responsible for the business entity's compliance with the insurance laws, rules and regulations of this state;~~
  - ~~c. Payment of license fee in the amount of Two Hundred Dollars (\$200.00) as set forth in Miss. Code Ann. § 27-15-97.~~
1. A business entity applying for a resident public adjuster license shall make an application to the commissioner on the appropriate uniform business entity application, in a form or format prescribed by the commissioner.
  2. An applicant under paragraph (1) of this subsection shall declare under penalty of suspension, revocation, or refusal of the license that the statements made in the application are true, correct, and complete to the best of the business entity's knowledge and belief.
  3. Before approving an application submitted under paragraph (a) of this subsection, the commissioner shall find that the business entity:
    - a. Is eligible to designate Mississippi as its home state;
    - b. Has designated a licensed adjuster or public adjuster responsible for the business entity's compliance with the insurance laws and regulations of Mississippi;
    - c. Has not committed an act that is a ground for probation, suspension, revocation, or refusal of a public adjuster's license as set forth in Section 83-17-519; and
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  4. Each public adjuster employed or connected to the business entity adjusting claims in Mississippi must also hold an individual public adjuster license.



D. Emergency License - The Commissioner may issue Emergency Licenses in the event of a catastrophe or emergency which arises out of a disaster, Act of God, riot, civil commotion, conflagration or other similar occurrence to persons who are residents or nonresidents of this state and who may or may not be licensed as public adjusters. Such emergency license shall remain in force for a period not to exceed ninety (90) days, unless extended for an additional period of ninety (90) days by the commissioner.

1. To apply for this emergency license, an applicant must provide the following information and meet the following conditions:
  - a. An applicant must be certified by either a person licensed under the provisions of the Act, or by any other person as approved by the Commissioner. Certification shall mean any written representations addressed to the Commissioner concerning the integrity, competence and qualification of a person, in form and content satisfactory to the Commissioner. Any person who certifies an applicant shall be responsible for the loss or claims practices of the emergency license holder;
  - b. The application and certification must be filed with the Department within five (5) days of the applicant beginning work as a public adjuster; and,
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2. Emergency licenses shall be in force for ninety (90) days and may be extended for an additional ninety (90) day period by the Commissioner.
3. Should the public adjuster who certifies the emergency public adjuster either forfeit, surrender, or has his license revoked by the Commissioner, that shall also serve to revoke the emergency license of the emergency public adjuster immediately and without notice or hearing.

E. Public Adjuster Trainee Registration - An individual, who is undergoing education and training as a public adjuster under the direction and supervision of a licensed public adjuster for a period not exceeding twelve (12) months may act as a public adjuster without having a public adjuster's license, upon the following conditions:

1. At the beginning of such training period, the name of such trainee shall be registered as such with the Commissioner along with the information regarding the licensed public adjuster who is training the public adjuster trainee; and,
2. Submission of a registration fee ~~in the amount of Fifty Dollars (\$50.00)~~ as set forth in Miss. Code Ann. § 27-15-97, shall be submitted to the Commissioner at the time of registration.

Source: Miss. Code Ann. §§83-5-1; 83-17-501 (Rev. 2011 2022)

**Rule 36.06: Reciprocity**

The Commissioner may enter into reciprocal agreements with other states for mutual recognition of individual license holders, education or continuing education courses, provided that the other state will award licenses or recognize education or continuing education courses to residents of this state and as long as that state's requirements are substantially equivalent to those set forth under the Act or this Regulation.

Source: Miss. Code Ann. §§83-5-1; 83-17-507 (Rev. 2011-2022)

**Rule 36.07: Continuing Education Requirements**

Every individual seeking to receive a renewal license under the Act or this Regulation shall satisfactorily complete twelve (12) hours of study in approved courses during each twelve - month period.

- A. Renewal Period - Continuing education requirements are good for one year. It shall be the responsibility of each individual to maintain records documenting continuing education activity and to submit this documentation upon completion of the course.
- B. Approved Courses - Only those courses approved by the Department for individual adjusters or public adjusters shall fulfill the requirements of the Act and this Regulation.
  - 1. Department Approved Courses - To be approved by the Department, the course or program must be one that educates on the aspects of adjusting real or personal property. For any course to be approved as a continuing education class must be submitted to the Department pursuant to Miss. Code Ann. § 83-17-253 and the Continuing Education Guidelines set forth by the Commissioner with a course outline and receive approval prior to the actual class being held.
  - 2. Other Credits - The Commissioner may, at his discretion, approve continuing education credits for teaching of classes or for any other class, work or activity performed that the Commissioner approves as satisfaction of the continuing education requirements. It is the responsibility of the individual person to receive such approval from the Commissioner.
- C. Failure to Complete Requirements - The failure of any individual to timely complete or submit their continuing education requirements shall result in denial of their renewal license until said continuing education requirements are met. Failure to satisfy the requirements within twelve (12) months of renewal will result in the public adjuster having to reapply for a license and take the pre-licensing examination.
- D. Continuing Education Reciprocity - An individual's satisfaction of his or her home state's continuing education requirements for licensure shall constitute satisfaction of this state's

continuing education requirements if the individual's home state recognizes the satisfaction of its continuing education requirements imposed upon individuals from this state on the same basis.

Source: Miss. Code Ann. §§83-5-1; 83-17-513 (Rev. 2011-2022)

#### **Rule 36.08: Pre-Licensing Examination**

Each initial applicant shall take and pass an examination given by the Commissioner, or any entity he designates, to verify the applicant's knowledge, qualifications and competency. The failure of an applicant to pass the examination shall constitute denial of their license application. However, an initial applicant who is licensed as a public adjuster in another state with whom the Department has a reciprocity agreement as defined in Section 6 of this Regulation may be exempt from this requirement upon verification of the applicant's completion of the reciprocal state's pre-licensing requirements.

Source: Miss. Code Ann. §§83-5-1; 83-17-515 (Rev. 2011-2022)

#### **Rule 36.09: Violations and Penalties**

The Commissioner shall have the ability to issue penalties due to violations of the Act or Regulation, as more specifically stated in this Section.

A. Violations: The following are violations that will result in administrative actions by the Commissioner:

1. Intentionally making a material misstatement in the application for an initial or renewal license;
2. Obtaining, or attempting to obtain, a license by fraud or misrepresentation;
3. Misappropriating, converting, or withholding money belonging to or entity;
4. Demonstrating a lack of trustworthiness or competence to act as a public adjuster, including ethical violations as set forth in this Regulation;
5. Convicted of fraudulent or dishonest practices or a felony;
6. Materially misrepresented the terms and conditions of insurance policies or contracts or failed to identify himself as a public adjuster;
7. Obtaining or attempting to obtain a license for a purpose other than holding himself out to the general public as a public adjuster;
8. Violating any insurance law, regulation, subpoena, or order of the Commissioner of any other state's commissioner of insurance

9. Failure to notify the Commissioner in writing within thirty (30) days of final disposition of any administrative action or of any criminal action taken against the public adjuster in any jurisdiction; or,
10. Failure to timely respond to any inquiry by the Commissioner.

The Department reserves the right to forward any information concerning a violation to the proper law enforcement entity or the Office of the Attorney General for further investigation or action.

#### B. Notice and Hearing.

1. Before any license shall be denied, refused, suspended, or revoked, or an administrative penalty of not more than Five Thousand Dollars (\$5000.00) be issued, the Commissioner shall give the applicant or licensee at least twenty (20) days written notice of his intention to hold a hearing on this matter in the manner as prescribed by 19 Miss. Admin. Code., Part 1, Chapter 15, "Rules of Practice and Procedure Before the Mississippi Insurance Department and State Fire Marshal's Office." ~~Service may be by certified mail, return receipt, or by personal service.~~
2. Once notice is received by a licensee that shall constitute immediate suspension of their license.
3. ~~The hearing shall be conducted pursuant to the Department's Rules of Practice and Procedure before the Mississippi Insurance Department, Regulation 88-101.~~
4. No licensee whose license was revoked pursuant to this Act or Regulation shall be entitled to file another application for a license within one (1) year from the effective date of final order of revocation.

Source: Miss. Code Ann. §§83-5-1; 83-17-519 (Rev. 2011 2022)

#### **Rule 36.10: Written Contracts and Ethical Requirements**

1. Written Contracts - all contracts shall be in writing, signed by the insured and the public adjuster who solicits the contract, and a copy of the contract shall be provided to the insured upon execution. Furthermore, all contracts must meet the following written and ethical requirements as provided in Miss. Code Ann. Section 83-17-523 (1) and (2). ÷
1. ~~A public adjuster may only receive compensation, payment, commission, fee or other thing of value of no more than ten percent (10%) of any insurance settlement or the proceeds of any claim investigated. The contract must expressly~~

~~state that this may include monies from any previously proposed or received offers of settlement.~~

- ~~2. No public adjuster may require, demand or accept any fee, retainer, and compensation, deposit of other thing of value, prior to partial or full settlement of the claim.~~
- ~~3. Any additional costs to be reimbursed to the public adjuster shall be out of the proceeds of a settlement and shall be specified by kind and estimated amounts.~~
- ~~4. The insured shall have the right to revoke the contract within five (5) business days after execution. The insured may also pursue any civil legal remedy to revoke or cancel the contract after the expiration of the cancellation period.~~
- ~~5. A copy of the written contract shall be kept for at least five (5) years after the termination of the transaction and shall be open to the examination by the Commissioner at all times.~~
- ~~6. Exhibit "B" is attached hereto containing all required provisions for use by public adjusters in their contracts.~~

## ~~2. Ethical Requirements—~~

- ~~A. A violation of the following of any provision of Miss. Code Ann. § 83-17-523 may result in administrative action being taken by the Department against the public adjuster pursuant to the Act and Section 9 of this Regulation:~~
- ~~B. A copy of the written contract shall be kept for at least five (5) years after the termination of the transaction and shall be open to the examination by the Commissioner at all times; and,~~
- ~~C. A contract may be revoked or cancelled. A revocation or cancellation of a public adjuster contract shall be:~~
  - ~~1. In writing;~~
  - ~~2. Mailed or delivered to the public adjuster at the address in the contract; and~~
  - ~~3. Postmarked or received within the five-business-day period.~~

~~If an insured exercises the right to revoke or cancel a contract, anything of value given by the insured under the contract to the public adjuster shall be returned to the insured within fifteen (15) business days following receipt by the public adjuster of the contract revocation or cancellation.~~

- ~~1. No public adjuster shall undertake to adjust a claim for which he is not competent and knowledgeable to the terms and conditions of the insurance coverage or which otherwise exceeds the public adjuster's current expertise.~~

- ~~2.— No public adjuster may represent a person or entity for which the public adjuster previously adjusted a claim as an independent adjuster, either directly or indirectly.~~
- ~~3.— No public adjuster shall knowingly make any oral or written misrepresentations or statements to any insured or potential insured which are false and intended to injure any person engaged in the business of insurance.~~
- ~~4.— No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to a declaration of total loss by an insurer, unless the services to be provided by the public adjuster can reasonably be expected to result in the insured obtaining an insurance settlement, net of the public adjuster's compensation, in excess of the amount the insured would have obtained without the services of the public adjuster.~~
- ~~5.— At the time of entering into the contract, the public adjuster advise the insured that the insured has the right to retain an attorney at law of his choice throughout the public adjuster's investigation and adjustment of the claim.~~
- ~~6.— If the claim is not settled by the public adjuster, the public adjuster shall advise the insured that the insured has the right to retain an attorney at law of the insured's choice.~~
- ~~7.— No public adjuster shall contract for, agree to, or receive anything of value from any attorney at law or other person acting in concert with an attorney at law for referring claims to the attorney, or in connection with any claim for which the public adjuster has performed or intends to perform services.~~
- ~~8.— No public adjuster shall split any attorney's fee with any attorney at law.~~
- ~~9.— No public adjuster shall testify as an expert witness in any judicial or administrative action while maintaining a pecuniary interest in the proceeding. A public adjuster may testify as an expert witness if:
  - ~~a.— His contract is converted to a specific hourly rate which constitutes reasonable, fair market value for the services provided as agreed upon by the parties; and,~~
  - ~~b.— His contract is not subject to any contingency arrangement.~~~~

~~Furthermore, the prior fee agreement between the insured and the public adjuster shall be inadmissible at trial.~~

Source: Miss. Code Ann. §§83-5-1; 83-17-523 (Rev. 2011 2022)

**Rule 36.11: Severability**

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. § 83-5-1 (Rev. 2011 2022)

**Rule 36.12:** Effective Date

The Effective Date of this Regulation shall be July 1, 2007.

Source: Miss. Code Ann. § 25-43-3.113(Rev. 2010-2018)

**Rule 36.13:** Exhibit A- Surety Bond for Public Adjuster Filed with the Mississippi Insurance Department

SURETY BOND FOR PUBLIC ADJUSTER FILED WITH  
THE MISSISSIPPI INSURANCE DEPARTMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

This form shall not be altered in any way.

Part 1: Bond, Surety and Principal.

|                                     |  |   |
|-------------------------------------|--|---|
| Bond #:                             | Original Bond Date of Issuance:        | If a Continuation Bond, Effective Date: |
| Name of the Surety Company:         | NAIC # of Surety Company:              | MID License Number of Surety Company:   |
| Name of Principal (Public Adjuster) | MID License Number of Public Adjuster: | Amount of Bond:<br>\$50,000.00          |

Part 2: Type and Bond Amount.

The type and amount of the bond for one year commencing on the original date of issuance or continuation stated hereinabove at Part 1 is as follows:

**Public Adjuster, Bond Equal to Fifty Thousand current U.S. Dollars (\$50,000.00)**

Part 3: KNOW ALL MEN BY THESE PRESENTS THAT, the Principal and Surety, who, after being duly sworn, deposed and said:

**THAT** they are firmly bound unto the Commissioner of Insurance , State of Mississippi, or his successor in office, under the surety bond, delivered in lieu of errors and omissions liability insurance coverage, conditioned only for and dedicated exclusively to the prompt payment of all claims arising and accruing to any persons who sustained damages as a result of the Principals erroneous acts, failure to act, conviction of fraud, or conviction of unfair practices in his capacity as a public adjuster for which the Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, by this agreement;

**THAT** the Commissioner of Insurance shall be authorized to recover on behalf of any person in the State of Mississippi who sustained damages described herein;

**THAT** the condition of this obligation is such that if the above named Principal shall well and faithfully discharge and perform the duties incumbent on him under the provisions of all applicable laws, including but not limited to Title 83 of the Mississippi Code and Mississippi Insurance Department Regulation 2007-4, then in such case the above obligation is to become null and void, else to remain in full force, effect and virtue;

**THAT** the provisions of all applicable laws, including but not limited to Title 83 of the Mississippi Code and Mississippi Insurance Department Regulation 2007-4, for principals and sureties are applicable;

**THAT** this surety bond shall not be terminated unless at least thirty days' prior written notice will have been filed with the Commissioner of Insurance, State of Mississippi, and given to the principal;

**THAT** this obligation may be continued for any subsequent year by a continuation certificate duly signed and sealed by the Principal and Surety, subject to the terms and conditions of the original bond, and filed with the Commissioner of Insurance, State of Mississippi;

**IN WITNESS THEREOF**, Principal and Surety have executed this bond on the dates stated hereinbelow.

Part 4. Signatures and Notary. Complete all information

BY:

|                               |       |  |       |
|-------------------------------|-------|--|-------|
| Principal                     | Date  | Surety's Authorized Representative                     | Date  |
| _____                         | _____ | _____  | _____ |
| Print Name                    |       | Print Name/Title of Surety's Authorized Representative |       |
| _____                         |       | _____  |       |
| Physical Address of Principal |       | Physical Address of Surety                             |       |

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

{Seal of Notary Public}

\_\_\_\_\_  
Notary Public

If a power of attorney used, a copy of the power of attorney or the authorized agent of the surety company must accompany the bond.

Source: Miss. Code Ann. §§83-5-1; 83-17-505 (Rev. 2011/2022)

**Rule 36.14: Exhibit B—Public Adjuster Contract**

**PUBLIC ADJUSTER CONTRACT**

~~The contract must be in writing and contain the following:~~

- ~~A. Name and address of the adjuster and the insured;~~
- ~~B. The home state of the adjuster;~~
- ~~C. MS Department of Insurance license number;~~
- ~~D. Insured's insurance company and policy number;~~
- ~~E. Description of the loss and services to be provided to the insured;~~



- F. ~~Signatures of the public adjuster and the insured;~~
- G. ~~If public adjuster is a business entity, the designated licensed public adjuster must sign the contract;~~
- H. ~~Date the contract was signed;~~
- I. ~~Notice to the insured that they may cancel the contract within five (5) business days. The following language should be used:~~

~~"You may cancel this contract at any time prior to midnight of the fifth business days after the date this contract was signed. If you decide to cancel this contract, you will be liable for reasonable and necessary emergency out of pocket expenses or services which were paid for in incurred by the public adjuster to protect the interest of the insured during the period preceding cancellation.~~

~~If you cancel this contract, anything of value given by you under this contract shall be returned to you within fifteen (15) business days following the receipt by the public adjuster of your cancellation notice, and any security interest arising out of the contract will be cancelled. To cancel this contract, mail, fax or deliver in person a signed and dated written notice indicating your intent to cancel this contract to (name of public adjuster) at (business address)."~~

- J. ~~An attestation the public adjuster is fully bonded or insured, along with a copy of the bond or errors and omissions coverage policy;~~
- K. ~~Specify the amount of the public adjuster's contingency fee, not to exceed 10% of monies recovered under claim. The contract must clearly state if the contingency fee shall be based upon amounts the insured previously received from the insurer for the particular claim and, if so, that provision must be initialed by the insured; and,~~
- L. ~~State what type of out of pocket expenses public adjuster would be entitled to, if any, and dollar estimates.~~

~~A copy of the executed contract must be given to the insured.~~

~~Source: Miss. Code Ann. §§83-5-1; 83-17-519 (Rev. 2011)~~