

112 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019).

Chapter 163. Regulation Number 113—Registration of Catastrophe Claims Adjusters

§16301. Purpose

A. The purpose of this regulation is:

1. To establish the procedure to register claims adjusters in the event of a catastrophe or an emergency pursuant to R.S. 22:1667 and 22:1678.

2. To set forth the time periods for expiration or extension of catastrophe or emergency adjuster registration and to set forth penalties pursuant to R.S. 22:1672.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16303. Applicability and Scope

A. Regulation 113 shall apply to all adjusters employed or retained by an insurer and brought into the state for the purpose of investigating or making adjustment of losses resulting from a catastrophe or an emergency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16305. Authority

A. Regulation 113 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:11, 22:821, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16307. Definitions

A. For the purposes of Regulation 113 the following terms are defined as follows:

Adjuster—an individual who investigates or adjusts losses on behalf of an insurer as an independent contractor or as an employee of:

- a. an adjustment bureau;

- b. an association;
- c. a property and casualty producer;
- d. an independent contractor;
- e. an insurer; or
- f. a managing general agent.

Catastrophe Adjuster—those adjusters employed or retained by an insurer and brought into this state for the purpose of investigating or making adjustments of losses resulting from a catastrophe or an emergency.

Catastrophe/Emergency—a significant event declared by the governor or determined by the commissioner that causes widespread property damage or loss.

Commissioner—the Commissioner of Insurance of the State of Louisiana.

Insurer—any type of insurer, whether authorized or unauthorized, conducting business in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1081 (August 2019).

§16309. Designation of a Catastrophe/Emergency

A. Insurers shall be authorized to utilize catastrophe adjusters in the event of emergencies declared by the governor of this state pursuant to R.S. 29:724 and for any other event which the commissioner has determined to have caused widespread property damage or loss.

B. If not otherwise declared by the governor or determined by the commissioner, an insurer may request that the commissioner authorize the use of catastrophe adjusters by making a written request to the commissioner.

C. The written request shall include the date, geographic area within the state and a description of the event along with any factors which the insurer believes justifies such a declaration.

D. Upon approval of the catastrophe/emergency by the commissioner, the event shall be entered in the Louisiana Department of Insurance on-line system for registration of catastrophe adjusters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).

§16311. Registration Procedure

A. No license shall be required for an individual who is employed or retained for a particular event by an insurer and brought into this state specifically for the purpose of investigating or making adjustments of losses resulting from a catastrophe or an emergency.

B. Prior to utilizing the services of a catastrophe adjuster, insurers shall register the individual as follows:

1. Access the department's online system for catastrophe adjuster registration;

2. Provide the following information:

a. the specific catastrophe/emergency for which the registration is active;

b. full name of the individual catastrophe adjuster;

c. Social Security Number or National Producer Number of the individual catastrophe adjuster;

d. the name, mailing address, email address and phone number of the individual with the insurer responsible for the registration of catastrophe adjusters; and

e. any additional information deemed necessary by the commissioner.

3. Submit the required fee to the commissioner pursuant to R.S. 22:821 within 10 days of the submission of the registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1667, and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).

§16313. Registration Expiration and Extension

A. A catastrophe adjuster registration is effective upon submission provided fees are received within ten days. A registration shall be valid for a period not to exceed 180 days.

B. The commissioner may extend the registration's effective period for an additional ninety days upon the receipt of the insurer's written request for such an extension. The request must be submitted no later than 15 days prior to the expiration of the registration. The commissioner shall provide his written approval or denial of an extension request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821, 22:1667 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).

§16315. Violations and Penalties

A. The commissioner may, without notice and hearing, revoke the privileges of an individual registered as a catastrophe adjuster for the grounds specified in R.S. 22:1672.

B. Any notice of revocation shall be sent to the employing or retaining insurer. The notice shall be sent to the insurer in accordance with R.S. 49:961. The revocation shall be effective as of the date of the notice of revocation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667, 22:1672 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).

§16317. Effective Date

A. Regulation 113 shall become effective upon final publication in the *Louisiana Register* and shall apply to any act or practice committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).

§16319. Severability

A. If any section or provision of Regulation 113 or the application to any individual or circumstance is held invalid, such invalidity or determination shall not affect other sections or provisions or the application of Regulation 113 to any individuals or circumstances that can be given effect without the invalid section or provision or application, and for these purposes the sections and provisions of Regulation 113 and the application to any individuals or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1667 and 22:1678 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 45:1082 (August 2019).