

TITLE 41  
INSURANCE

CHAPTER 11  
ADJUSTERS

41-1101. SCOPE OF CHAPTER. This chapter applies only as to adjusters, as defined in section [41-1102](#).

[41-1101, added 1961, ch. 330, sec. 237, p. 645.]

41-1102. "ADJUSTER" DEFINED. (1) An "adjuster" is a person who, on behalf of the insurer, for compensation as an independent contractor or as the employee of such an independent contractor, or for fee or commission, investigates and negotiates settlement of claims arising under insurance contracts.

(2) None of the following is an "adjuster" for the purposes of this chapter:

(a) A licensed attorney at law who is qualified to practice law in this state.

(b) The salaried employee of an authorized insurer, or group of such insurers under common control or ownership, or of a managing general agent, who adjusts losses for such insurer or insurers or for the authorized insurers represented by the general agent.

(c) The licensed agent of an authorized insurer who, at the insurer's request, from time to time adjusts or assists in adjustment of losses arising under policies issued by such insurer.

(d) An individual who collects claim information from, or furnishes claim information to, claimants or those who are insured and who conducts data entry, including entering data into an automated claims adjudication system, provided that the individual is an employee of a licensed adjuster or its affiliate where no more than twenty-five (25) such persons are under the supervision of one (1) licensed adjuster or licensed agent. A licensed agent who acts as a supervisor or adjusts claims pursuant to the provisions of this paragraph is not required to also be licensed as an adjuster. For purposes of this section, "automated claims adjudication system" means a pre-programmed computer system designed for the collection, data entry, calculation and final resolution of portable electronics insurance claims that:

(i) May only be utilized by a licensed adjuster, licensed agent or supervised individuals operating pursuant to the provisions of this paragraph;

(ii) Must comply with all claims payment requirements of the insurance code; and

(iii) Must be certified as compliant with this section by a licensed adjuster who is an officer of a licensed business entity pursuant to the provisions of this chapter.

[41-1102, added 1961, ch. 330, sec. 238, p. 645; am. 2012, ch. 226, sec. 12, p. 626.]

41-1103. LICENSE REQUIRED. No person shall in this state be, act as, or advertise or hold himself out to be, an adjuster unless then licensed as an adjuster under this chapter. No resident of Canada may be licensed as a res-

ident adjuster or may designate Idaho as his home state, unless such person has successfully passed the adjuster examination and has complied with the other applicable provisions of this chapter. No resident of Canada may be licensed as a nonresident adjuster unless such person has obtained a resident or home state adjuster license in another state.

[41-1103, added 1961, ch. 330, sec. 239, p. 645; am. 2012, ch. 226, sec. 13, p. 627.]

41-1104. QUALIFICATIONS FOR ADJUSTER'S LICENSE. (1) Except as provided in subsection (2) of this section, the director shall not issue, continue, or permit to exist any license as an adjuster as to any person not qualified therefor as follows:

(a) Must be a natural person not less than twenty-one (21) years of age.

(b) Must be trustworthy, and be of good character and reputation as to morals, integrity, and financial responsibility, and must not have been convicted of a felony or of any crime involving moral turpitude.

(c) Must be a salaried employee of a licensed adjuster, or must have had experience or special education or training as to the investigation and settlement of loss of claims under insurance contracts of sufficient duration and extent reasonably to satisfy the director as to his competence to fulfill the responsibilities of an adjuster.

(d) If required by the director, must pass a written examination to test his knowledge of the duties and responsibilities of an adjuster and of matters involved in transactions under an adjuster's license. The examination shall be subject to the same applicable provisions as apply pursuant to [title 41](#), Idaho Code, to examinations for license as insurance agent.

(2) A firm or corporation, whether or not organized under the laws of this state, may be licensed as an adjuster if each individual who is to exercise the license powers in this state is separately licensed, or is named in the firm or corporation license, and is qualified as for an individual license as adjuster under subsection (1) of this section. An additional full license fee shall be paid as to each individual in excess of one (1) so named in the firm or corporation license to exercise its powers.

[41-1104, added 1961, ch. 330, sec. 240, p. 645; am. 1969, ch. 214, sec. 38, p. 625; am. 2012, ch. 226, sec. 14, p. 627.]

41-1105. APPLICATION FOR LICENSE. The individual desiring to be licensed as an adjuster shall make written application therefor to the director, on forms as prescribed and furnished by the director. The application shall be accompanied by payment of the fee for the license as set forth by rule pursuant to section [41-401](#), Idaho Code.

[41-1105, added 1961, ch. 330, sec. 241, p. 645; am. 2001, ch. 85, sec. 4, p. 214.]

41-1106. SCOPE OF LICENSE. Under his license an adjuster shall have authority to act as adjuster on behalf of the insurer only as to losses under insurance contracts.

[41-1106, added 1961, ch. 330, sec. 242, p. 645.]

41-1107. EMERGENCY ADJUSTERS. No adjuster's license or qualifications shall be required as to any adjuster who is sent into this state by and on behalf of an authorized insurer or adjusting firm or corporation for the purpose of investigating or making adjustment of a particular loss under an insurance policy issued by an authorized insurer or as a lawful surplus line contract, or for the purpose of temporarily assisting or substituting for a licensed adjuster who is incapacitated due to illness, injury, or any unforeseeable or uncontrollable incident, or for the adjustment of a series of losses resulting from a catastrophe common to all such losses.

[41-1107, added 1961, ch. 330, sec. 243, p. 645.]

41-1108. OTHER PROVISIONS APPLICABLE. The following sections of [chapter 10, title 41](#), Idaho Code, shall, to the extent so applicable, also apply as to adjuster licenses:

- (1) 41-1007(1), Idaho Code (application for producer license).
- (2) 41-1008, Idaho Code (producer license).
- (3) 41-1011, Idaho Code (issuance, refusal of license).
- (4) 41-1013, Idaho Code (continuation, expiration of license, continuing education statement).
- (5) 41-1016, Idaho Code (administrative penalty -- suspension, revocation, refusal of license).
- (6) 41-1026, Idaho Code (procedure following suspension, revocation, denial -- reinstatement).
- (7) 41-1027, Idaho Code (return of license).

[41-1108, added 1961, ch. 330, sec. 244, p. 645; am. 1972, ch. 164, sec. 2, p. 376; am. 1999, ch. 97, sec. 6, p. 303; am. 2001, ch. 296, sec. 4, p. 1063; am. 2002, ch. 281, sec. 3, p. 824; am. 2016, ch. 50, sec. 3, p. 146.]