

**INSURANCE**

**DEPARTMENT OF BANKING AND INSURANCE**

**OFFICE OF CONSUMER PROTECTION SERVICES**

**Licensing of Public Adjusters**

**Professional Qualifications**

**Adopted Amendments: N.J.A.C. 11:1-37.1 through 37.6, 37.8, 37.10, 37.13, 37.14, and 37.18; and 11:17-3.1 and 3.6**

Proposed: January 3, 2012 at 44 N.J.R. 32(a).

Adopted: June 14, 2012 by Kenneth E. Kobylowski, Acting Commissioner, Department of Banking and Insurance.

Filed: June 15, 2012 as R.2012 d.136, **with a substantial change** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:22B-1 et seq.

Effective Date: July 16, 2012.

Expiration Date: October 24, 2018, N.J.A.C. 11:1;

April 8, 2016, N.J.A.C. 11:17.

**Summary of Public Comment and Agency Response:**

The Department of Banking and Insurance (Department) timely received written comments from the New Jersey Public Adjusters Association.

COMMENT: The commenter generally supported the proposed amendments, but expressed concern with N.J.A.C. 11:17-3.6(g). This provision provides that credits for courses approved

for both insurance producers and public adjusters may be awarded toward only one continuing education requirement (that is, a person licensed as both an insurance producer and a public adjuster who takes a course approved for both producer and public adjuster continuing education may only be awarded credit toward the satisfaction of one of the licenses' continuing education requirements).

The commenter questioned the logic and fairness of this provision. The commenter saw no harm in applying the credits to the continuing education requirements for both licenses. The commenter also questioned how the Department will be able to ascertain where to apply the credits for those holding both licenses. The commenter believed that the restriction is “an unnecessary complication” which will create an additional burden on licensees while providing no additional protection to the public. The commenter requested that this provision be deleted upon adoption.

RESPONSE: Upon review of the commenter's concerns, the Department has determined to delete the language as suggested by the commenter. The Department thus is not adopting the proposed second sentence to N.J.A.C. 11:17-3.6(g). If a course provides continuing education applicable to both a public adjuster and a producer, continuing education credits may be awarded to satisfy the continuing education requirements for both licenses. This change does not enlarge or curtail the scope of the rule and does not significantly change what is being mandated by the rule. The change eliminates a burden the proposed amendment would have imposed on persons holding both a producer and public adjuster license, allowing credit for a course that provides continuing education for both licenses to apply to the respective continuing education requirements for those licenses.

### **Federal Standards Statement**

A Federal standards analysis is not required because the adopted amendments are not subject to any Federal requirements or standards.

**Full text** of the adoption follows (deletion from proposal indicated in brackets with asterisks \*[thus]\*):

11:17-3.6 Continuing education

(a) – (f) (No change.)

(g) The insurance education director or authorized personnel for an approved insurance education provider shall report the names and producer or public adjuster license reference number, as applicable, of those persons completing each continuing education course within 15 days of course completion or certification of continuing education credits, whichever is later, either in hard copy or through electronic submission. \*[Credits for courses approved for both insurance producers and public adjusters may be awarded credit toward only one continuing education requirement (that is, a person licensed as both an insurance producer and public adjuster taking a course approved for both producer and public adjuster continuing education, may only be awarded credit toward the satisfaction of one of the licenses' continuing education requirements.)]\* The instructor teaching the course may be deemed to have completed it for the purpose of securing continuing education credit. Instructors may only receive credit once for teaching any one approved course once during each license cycle. The report shall be made to the Department, or its designee, in a format prescribed by the Department, and shall include the following information:

1. – 3. (No change.)

(h) – (l) (No change.)