

DEPARTMENT OF INSURANCE

Statutory Authority: 18 Delaware Code, Sections 314 & 1111 (18 Del.C. §§313, 1111)

PROPOSED

PUBLIC NOTICE

506 Crop Insurance Adjusters and Producers

INSURANCE COMMISSIONER KAREN WELDIN STEWART, CIR-ML hereby gives notice of intent to adopt Department of Insurance Regulation 506 relating to Crop Producers and Adjusters. The docket number for this proposed amendment is 1456.

The purpose of the proposed Regulation 506 is to delineate licensing and continuing education requirements for producers and adjusters specifically for Crop Insurance. The text of the proposed amendment is reproduced in the October 2010 edition of the *Delaware Register of Regulations*. The text can also be viewed at the Delaware Insurance Commissioner's website at: <http://www.delawareinsurance.gov/departments/documents/ProposedRegs/ProposedRegs.shtml>.

The Department of Insurance does not plan to hold a public hearing on the proposed changes. Any person can file written comments, suggestions, briefs, compilations of data or other materials concerning the proposed amendments. Any written submission in response to this notice and relevant to the proposed changes must be received by the Department of Insurance no later than 4:00 p.m., Monday, November 1, 2010, and should be addressed to Mitch Crane, Esquire, Delaware Department of Insurance, 841 Silver Lake Boulevard, Dover, DE 19904, or sent by fax to 302.736.7979 or email to mitch.crane@state.de.us.

506 Crop Insurance Adjusters and Producers

1.0 Purpose

- 1.1 The purpose of this Chapter is to provide rules to assist the Commissioner in administering the laws relating to the licensure and regulation of crop insurance producers and adjusters, as provided for in 18 Del.C. Chapter 17 et. seq.
- 1.2 This regulation should not be viewed as replacing any other or additional statutory requirements not explicitly included in this regulation.

2.0 Scope

This regulation applies to all persons acting as crop insurance adjusters or producers in this state. The crop insurance producer and adjuster licenses to be issued by the Commissioner.

3.0 Definitions

"Commissioner" means the Commissioner of the Delaware Insurance Department.

"Crop" means and includes any agricultural product, including livestock, nursery product, tree and product from a tree, as well as anything insured by the Federal Crop Insurance Corporation under a crop insurance program.

"Crop insurance adjuster" means any person, who, for compensation or any other thing of value, does any of the following:

- Acts or aids in investigating, verifying, substantiating, estimating, appraising, determining, presenting, and discussing the value of the claim, and/or effectuating the resolution of a claim for loss or damage covered by an insurance contract that insures crops;
- Advertises for employment as an adjuster of claims arising under insurance contracts that insure crops or solicits business or represents to the public to be a crop insurance adjuster

of insurance claims, for losses or damages arising out of policies of insurance that insure crops; or

- Directly or indirectly solicits business, investigates or adjusts losses, or advises an insured about claims for losses or damages arising out of policies of insurance that insure crops, when doing any of the foregoing for or on behalf of another person engaged in the business of adjusting losses or damages covered by an insurance policy that insures crops, for the insured.

"Department" means the Department of Insurance;

"NAIC" means the National Association of Insurance Commissioners;

"Person" means a natural person;

"Producer" means any person required to be licensed under the laws of this State to sell, solicit, or negotiate contracts of insurance authorized within the scope of said license.

"Risk Management Agency" means that agency of the United States Department of Agriculture acting on behalf of the Federal Crop Insurance Corporation to administer federal crop insurance programs.

4.0 Qualification for the Issuance of a License

A person shall apply for and receive from the Commissioner a multi-peril crop insurance adjuster and/or producer license to operate as a multi-peril crop insurance producer or adjuster in this State. All applications for licensure shall be in accordance with the requirements of 18 Del.C., §§1706 and 1707 (1).

5.0 Examination Requirements

5.1 All individuals applying for a multi-peril crop insurance adjuster license are required to pass the Risk Management Agency-approved Proficiency test for multi-peril crop insurance adjusters.

5.2 All individuals applying for a multi-crop insurance producer license shall be required pass a written examination as required by 18 Del.C., §1705.

5.3 The Commissioner may enter into a contract with a testing organization for the examination of applicants for a license as a multi-peril crop insurance producer or adjuster. Such contract may provide that the testing organization shall:

5.3.1 Assume responsibility for the administration and grading of the examination; and

5.3.2 Charge and collect from each applicant the fee for administering the examination.

6.0 Continuing Education Requirement

6.1 An individual, who holds a multi-peril crop insurance license shall satisfactorily complete a minimum of twenty-four (24) hours of continuing education credits. The education required by this section shall be in addition to any other continuing education requirements required for other professional licenses held by the individuals licensed under Chapter 17 of the Delaware Code.

6.2 Only continuing education courses approved by the Commissioner shall be used to satisfy the continuing education requirement of Paragraph 6.1.

7.0 Effective Date

This Regulation shall take effect 10 days after execution of an Order by the Commissioner and its publication in the Register of Regulations or January 1, 2011, whichever shall occur last.

14 DE Reg. 249 (10/01/10) (Prop.)