

HOUSE BILL No. 1329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-1; IC 27-2-28; IC 27-4-1-4.

Synopsis: Insurance matters. Provides that if an insurance producer actively participates in a state or national professional insurance organization, the insurance commissioner may apply the insurance producer's participation in the professional insurance organization toward satisfaction of not more than four hours of the insurance producer's requirement of 24 hours of continuing education in every two year licensing period. Establishes conditions and limitations. Requires a public adjuster, before entering into a contract with an insured, to provide a written disclosure concerning any direct or indirect financial interest that the public adjuster has with any other party that is or will be involved in any aspect of the insured's claim. Requires a public adjuster to provide to an insured a disclosure document containing certain information before the insured enters into a contract with the public adjuster. Provides that a contract between a public adjuster and an insured must be in writing, must contain certain information, and must be prepared on a form filed with and approved by the insurance commissioner. Prohibits the inclusion of certain terms in the contract. Provides that if the insurer, not more than five business days after the date on which the insured's loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy, the public adjuster may not be compensated by receiving a percentage of the total amount paid by the insurer and is entitled only to reasonable compensation for services provided on behalf of the insured. Authorizes the insurance commissioner to suspend, revoke, or refuse to issue or renew a public adjuster's certificate of authority or to place a public adjuster on probation for
(Continued next page)

Effective: July 1, 2023.

Lehman, Carbaugh

January 12, 2023, read first time and referred to Committee on Insurance.



Digest Continued

violating any of these requirements or prohibitions. Allows an insured to void or rescind a contract with a public adjuster. Defines "adverse action" as: (1) a denial, nonrenewal, or cancellation of; (2) an increase of more than 9.99% over the expiring premium for; (3) a reduction in coverage of; or (4) another adverse or unfavorable change in the terms of coverage or amount of; insurance in connection with a personal automobile or homeowner's policy. Requires an insurer that takes an adverse action against an applicant or an insured to provide a written notice explaining the principal factors for the adverse action or stating that the applicant or insured, upon request, has a right to obtain a written notice explaining the principal factors for the adverse action. Provides that a written notice from an insurer must be sufficiently clear and must provide a point of contact through which the applicant or insured may discuss the reasons for the adverse action. Makes an insurer's violation of a requirement concerning an adverse action an unfair or deceptive act or practice in the business of insurance.



Introduced

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in *this style type*, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1329



A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-1-15.7-2, AS AMENDED BY P.L.165-2022,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]: Sec. 2. (a) Except as provided in subsection (b) **and**
4 **section 2.4 of this chapter**, to renew a license issued under
5 IC 27-1-15.6, a resident insurance producer must complete at least
6 twenty-four (24) hours of credit in continuing education courses, not
7 more than four (4) hours of which may be in courses concerning one
8 (1) or a combination of the following:
9 (1) Sales promotion.
10 (2) Sales technique.
11 (3) Motivation.
12 (4) Psychology.
13 (5) Time management.
14 If the insurance producer has a qualification described in
15 IC 27-1-15.6-7(a)(1), IC 27-1-15.6-7(a)(2), or IC 27-1-15.6-7(a)(5), for



1 a license renewal that occurs after June 30, 2014, at least three (3) of
 2 the hours of credit required by this subsection must be related to ethical
 3 practices in the marketing and sale of life, health, or annuity insurance
 4 products. An attorney in good standing who is admitted to the practice
 5 of law in Indiana and holds a license issued under IC 27-1-15.6 may
 6 complete all or any number of hours of continuing education required
 7 by this subsection by completing an equivalent number of hours in
 8 continuing legal education courses that are related to the business of
 9 insurance.

10 (b) Except as provided in subsection (c), to renew a license issued
 11 under IC 27-1-15.6, a limited lines producer with a title qualification
 12 under IC 27-1-15.6-7(a)(8) must complete at least seven (7) hours of
 13 credit in continuing education courses related to the business of title
 14 insurance, in a structured setting or comparable self-study, in any of the
 15 following or any combination of the following:

- 16 (1) Ethical practices in the marketing and selling of title
- 17 insurance, including provisions of the Dodd-Frank Wall Street
- 18 Reform and Consumer Protection Act set forth in 12 U.S.C. 2608.
- 19 (2) Title insurance underwriting.
- 20 (3) Escrow matters.
- 21 (4) Matters concerning regulation by the department.
- 22 (5) Any other topic related to the marketing and selling of title
- 23 insurance.

24 An attorney in good standing who is admitted to the practice of law in
 25 Indiana and holds a license issued under IC 27-1-15.6 with a title
 26 qualification under IC 27-1-15.6-7(a)(8) may complete all or any
 27 number of hours of continuing education required by this subsection by
 28 completing an equivalent number of hours in continuing legal
 29 education courses related to the business of title insurance or any
 30 aspect of real property law.

31 (c) The following insurance producers are not required to complete
 32 continuing education courses to renew a license under this chapter:

- 33 (1) A limited lines producer who is licensed without examination
- 34 under IC 27-1-15.6-18(1).
- 35 (2) A limited line credit insurance producer.
- 36 (3) A nonresident limited lines producer with a title qualification:
- 37 (A) whose home state requires continuing education for a title
- 38 qualification; and
- 39 (B) who has met the continuing education requirements
- 40 described in clause (A).

41 (d) Except as provided in section 2.2 of this chapter, to satisfy the
 42 requirements of subsection (a) or (b), a licensee may use only those



1 credit hours earned in continuing education courses completed by the
2 licensee:

3 (1) after the effective date of the licensee's last renewal of a
4 license under this chapter; or

5 (2) if the licensee is renewing a license for the first time, after the
6 date on which the licensee was issued the license under this
7 chapter.

8 (e) If an insurance producer receives qualification for a license in
9 more than one (1) line of authority under IC 27-1-15.6, the insurance
10 producer may not be required to complete a total of more than
11 twenty-four (24) hours of credit in continuing education courses to
12 renew the license.

13 (f) Except as provided in subsection (g), a licensee may receive
14 credit only for completing the following continuing education courses:

15 (1) Continuing education courses that have been approved by the
16 commissioner under section 4 of this chapter.

17 (2) Continuing education courses that are required for the licensee
18 under IC 27-19-4-14.

19 (g) A licensee who teaches a course approved by the commissioner
20 under section 4 of this chapter shall receive continuing education credit
21 for teaching the course.

22 (h) When a licensee renews a license issued under this chapter, the
23 licensee must submit:

24 (1) a continuing education statement that:

25 (A) is in a format authorized by the commissioner;

26 (B) is signed by the licensee under oath; and

27 (C) lists the continuing education courses completed by the
28 licensee to satisfy the continuing education requirements of
29 this section; and

30 (2) any other information required by the commissioner.

31 (i) A continuing education statement submitted under subsection (h)
32 may be reviewed and audited by the department.

33 (j) A licensee shall retain a copy of the original certificate of
34 completion received by the licensee for completion of a continuing
35 education course.

36 (k) A licensee who completes a continuing education course that:

37 (1) is approved by the commissioner under section 4 of this
38 chapter;

39 (2) is held in a classroom setting; and

40 (3) concerns ethics;

41 shall receive continuing education credit not to exceed four (4) hours
42 in a renewal period.



1 SECTION 2. IC 27-1-15.7-2.4 IS ADDED TO THE INDIANA
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. (a) This section applies to an**
 4 **insurance producer licensed under IC 27-1-15.6 who is subject to**
 5 **the continuing education requirement set forth in section 2(a) of**
 6 **this chapter.**

7 **(b) If an insurance producer actively participates in a state or**
 8 **national professional insurance organization, the insurance**
 9 **commissioner may:**

10 **(1) recognize the insurance producer's participation in the**
 11 **professional insurance organization; and**

12 **(2) apply the insurance producer's participation toward**
 13 **partial satisfaction of the continuing education requirement**
 14 **set forth in section 2(a) of this chapter.**

15 **(c) To be recognized and applied under subsection (b), an**
 16 **insurance producer's participation in a professional insurance**
 17 **organization must be one of the following:**

18 **(1) Service on the board of directors of:**

19 **(A) a state professional insurance organization;**

20 **(B) a state chapter of a national professional insurance**
 21 **organization; or**

22 **(C) a national professional insurance organization.**

23 **(2) Service on a formal committee of:**

24 **(A) a state professional insurance organization;**

25 **(B) a state chapter of a national professional insurance**
 26 **organization; or**

27 **(C) a national professional insurance organization.**

28 **(3) Service on a formal subcommittee or task force of:**

29 **(A) a state professional insurance organization;**

30 **(B) a state chapter of a national professional insurance**
 31 **organization; or**

32 **(C) a national professional insurance organization.**

33 **(d) Not more than four (4) of the twenty-four (24) total hours of**
 34 **credit in continuing education courses required of an insurance**
 35 **producer by section 2(a) of this chapter may be satisfied under this**
 36 **section in each two (2) year licensing period.**

37 **(e) If an insurance producer's participation in a professional**
 38 **insurance organization is recognized and applied under subsection**
 39 **(b), one (1) hour of the insurance producer's participation in the**
 40 **professional insurance organization shall count toward satisfaction**
 41 **of one (1) hour of the twenty-four (24) total hours of credit in**
 42 **continuing education courses required by section 2(a) of this**



1 chapter, subject to the limit set forth in subsection (d).

2 (f) An insurance producer's participation in a professional
3 insurance organization may not be applied under this section
4 toward the satisfaction of the requirement under section 2(a) of
5 this chapter, if applicable, that an insurance producer complete at
6 least three (3) hours of credit in continuing education courses
7 related to ethical practices in the marketing and sale of life, health,
8 or annuity insurance products in each two (2) year licensing
9 period.

10 (g) To be recognized and applied under subsection (b) toward
11 satisfaction of an insurance producer's continuing education
12 requirements under section 2(a) of this chapter for a two (2) year
13 licensing period, the insurance producer's participation in a
14 professional insurance organization must:

15 (1) occur during that two (2) year licensing period; and

16 (2) be verified by the professional insurance organization in
17 a communication submitted to the insurance commissioner
18 before the deadline (if any) established by the rules adopted
19 under subsection (h).

20 (h) The insurance commissioner may adopt rules under
21 IC 4-22-2 to administer this section.

22 SECTION 3. IC 27-1-27-1 IS AMENDED TO READ AS
23 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) The definitions
24 set forth in this section apply throughout this chapter.

25 (b) "Contract" refers to a contract between a public adjuster
26 and an insured under which:

27 (1) the public adjuster agrees to provide services for the
28 insured in the adjustment of an insurance claim; and

29 (2) the insured agrees to compensate the public adjuster for
30 those services.

31 (c) "Firm" includes any corporation, partnership, association,
32 joint stock company, or individual.

33 (d) "Independent adjuster" has the meaning set forth in
34 IC 27-1-28-6.

35 (e) "Insured" means a person covered by an insurance policy.

36 (f) "Person" means an individual, a corporation, a limited
37 liability company, a partnership, or any other legal entity.

38 (a) (g) ~~The term "Public adjuster" shall include~~ includes the
39 following:

40 (1) ~~every individual or corporation who, or which;~~ A person that,
41 for compensation or reward, renders advice or assistance to ~~the an~~
42 insured in the adjustment of a claim or claims for loss or damages



- 1 under any policy of insurance covering real or personal property.
 2 and
 3 **(2) any A person or corporation who, or which, that** advertises,
 4 solicits business, or holds itself out to the public as an adjuster of
 5 **such claims described in subdivision (1).**
 6 However, no public adjuster shall:
 7 (1) act in any manner in relation to claims for personal injury or
 8 automobile property damage; or
 9 (2) bind the insured in the settlement of claims.
 10 **(b) (h) This chapter does not apply to, and the following are not**
 11 **included in The term "public adjuster" does not include the following:**
 12 (1) An attorney at law admitted to practice in the state of Indiana
 13 who adjusts insurance losses in the course of the practice of the
 14 attorney's profession.
 15 (2) An officer, regular salaried employee, or other representative
 16 of:
 17 (A) an insurer; or of
 18 (B) an attorney in fact of any reciprocal insurer of or Lloyd's
 19 underwriter licensed to do business in Indiana;
 20 who adjusts losses arising under an employer's or principal's own
 21 policies.
 22 (3) An adjustment bureau or association owned and maintained
 23 by insurers to adjust or investigate losses of ~~such the~~ insurers, or
 24 any regular salaried employee who devotes substantially all the
 25 employee's time to the business of ~~such an adjustment~~ bureau or
 26 association **described in this subdivision.**
 27 (4) Any of the following:
 28 (A) A licensed insurance producer. or
 29 (B) An authorized insurer. or
 30 (C) An officer or employee of the same an authorized
 31 insurer who adjusts losses for ~~such the~~ insurer. and any
 32 (D) An insurance producer or representative of a farm mutual
 33 insurance company operating under the farm mutual insurance
 34 laws of this state ~~IC 27-5.1. on behalf of an insurer.~~
 35 (5) Any independent adjuster representing an insurer.
 36 SECTION 4. IC 27-1-27-1.5 IS ADDED TO THE INDIANA CODE
 37 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 38 1, 2023]: **Sec. 1.5. A public adjuster shall not:**
 39 **(1) act in any manner in relation to claims for personal injury,**
 40 **automobile liability, or property damage; or**
 41 **(2) bind the insured in the settlement of claims.**
 42 SECTION 5. IC 27-1-27-2 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 2. (a) No individual or
 2 corporation shall act within Indiana as a public adjuster, or receive,
 3 directly or indirectly, compensation or reward for services rendered in
 4 the adjustment of any claim or claims under the types of insurance
 5 policies set forth in section ~~1(a)~~ **1(g)** of this chapter, unless ~~he~~, **the**
 6 **individual**, or it, is the holder of a certificate of authority to act as such
 7 public adjuster issued by the commissioner of insurance of the state of
 8 Indiana pursuant to this chapter.

9 (b) Any individual or corporation who, or which, shall have received
 10 from the commissioner of insurance a public adjuster's certificate of
 11 authority shall be styled and be known as a "Certified Public Adjuster".

12 SECTION 6. IC 27-1-27-7.1, AS ADDED BY P.L.146-2015,
 13 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2023]: Sec. 7.1. (a) The **insurance** commissioner:

15 (1) may:

16 (A) suspend;

17 (B) revoke; or

18 (C) refuse to issue or renew;

19 a public adjuster's certificate of authority; ~~to act as a public~~
 20 ~~adjuster in Indiana~~; or

21 (2) **may** place a public adjuster on probation;
 22 for a cause set forth in subsection (b).

23 (b) A public adjuster is subject to the penalties set forth in
 24 subsection (a) for any of the following:

25 (1) Providing incorrect, misleading, incomplete, or materially
 26 untrue information in an application for a certificate of authority.

27 (2) Violating an insurance law, a subpoena, or an order of the
 28 commissioner or another state's insurance commissioner.

29 (3) Obtaining or attempting to obtain a certificate of authority
 30 through misrepresentation or fraud.

31 (4) Improperly withholding, misappropriating, or converting
 32 money or property received in the course of doing insurance
 33 business.

34 (5) Intentionally misrepresenting the terms of an actual or
 35 proposed insurance contract or application for insurance.

36 (6) Having been convicted of a felony.

37 (7) Having admitted or been found to have committed any unfair
 38 trade practice or fraud in the business of insurance.

39 (8) Using fraudulent, coercive, or dishonest practices, or
 40 demonstrating incompetence, untrustworthiness, or financial
 41 irresponsibility, in the conduct of insurance business.

42 (9) Having an insurance license, or the equivalent of an insurance



- 1 license, probated, suspended, revoked, or refused in another state,
 2 province, district, or territory.
 3 (10) Forging another person's name to a document related to an
 4 insurance transaction.
 5 (11) Cheating, including improperly using notes or any other
 6 reference material, to complete an examination for an insurance
 7 license.
 8 (12) Failing to comply with an administrative or court order
 9 imposing a child support obligation.
 10 (13) Failing to pay state income tax or failing to comply with an
 11 administrative or court order directing payment of state income
 12 tax.

13 **(14) Committing a violation of section 1.5, sections 12 through**
 14 **17, section 19, or section 20 of this chapter.**

- 15 (c) If the commissioner refuses an application for a certificate of
 16 authority to act as a public adjuster or for the renewal of an existing
 17 certificate of authority under this chapter, the commissioner shall notify
 18 the applicant or certificate holder in writing, advising of the reason for
 19 the refusal. The applicant or certificate holder may, not more than thirty
 20 (30) days after receiving the commissioner's notice of refusal, make
 21 written demand upon the commissioner for a hearing to determine the
 22 reasonableness of the refusal. The hearing must be held under
 23 IC 4-21.5 not more than twenty (20) days after the commissioner
 24 receives the applicant's or certificate holder's written demand.

25 SECTION 7. IC 27-1-27-12 IS ADDED TO THE INDIANA CODE
 26 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 2023]: **Sec. 12. (a) Before entering into a contract with an**
 28 **insured, a public adjuster shall provide to the insured a written**
 29 **disclosure concerning any direct or indirect financial interest that**
 30 **the public adjuster has with any other party that is or will be**
 31 **involved in any aspect of the insured's claim, other than by**
 32 **receiving a salary, fee, commission, or other consideration that will**
 33 **be established in the written contract with the insured.**

34 **(b) The direct or indirect financial interests that a public**
 35 **adjuster must disclose to an insured under subsection (a) includes**
 36 **any ownership by the public adjuster of, or any compensation that**
 37 **the public adjuster can expect to be received from, any:**

- 38 (1) construction firm;
 39 (2) salvage firm;
 40 (3) lawyer or law firm;
 41 (4) building appraisal firm; or
 42 (5) board up company;



1 or any other firm that provides estimates for work, or performs
 2 any work in conjunction with the insured loss to which the contract
 3 between the public adjuster and the insured applies.

4 SECTION 8. IC 27-1-27-13 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 6 1, 2023]: Sec. 13. (a) A public adjuster shall not provide services,
 7 other than emergency services, to an insured until:

8 (1) a written contract between the public adjuster and the
 9 insured has been executed; and

10 (2) an exact copy of the contract has been provided to:

11 (A) the insurer with which the insured has filed or intends
 12 to file a claim; or

13 (B) a representative of the insurer described in clause (A)
 14 who is authorized to receive a notice of loss or damage on
 15 the insurer's behalf.

16 (b) A contract between a public adjuster and an insured:

17 (1) must be in writing; and

18 (2) must be prepared on a form filed with and approved by
 19 the insurance commissioner; and

20 (3) must be executed in duplicate.

21 (c) One (1) original form of a contract executed under
 22 subsection (b)(3) must be provided to the insured and one (1)
 23 original form of the contract may retained by the public adjuster.

24 (d) A public adjuster may use electronic mail to provide the
 25 exact copy of a contract to an insurer under subsection (a)(2).

26 (e) The original contract retained by the public adjuster under
 27 subsection (c) must be available at all times, without prior notice,
 28 for inspection by the insurance commissioner.

29 SECTION 9. IC 27-1-27-14 IS ADDED TO THE INDIANA CODE
 30 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 31 1, 2023]: Sec. 14. (a) Before an insured enters into a contract with
 32 a public adjuster, the public adjuster shall provide to the insured
 33 a separate signed and dated disclosure document that states the
 34 following:

35 "Property insurance policies obligate the insured to
 36 present a claim to his or her insurer for the insurer's
 37 consideration. There are three (3) types of adjusters that
 38 could be involved in that process. Here are definitions of
 39 the three (3) types of adjusters:

40 "Company adjuster" means an insurance adjuster who is
 41 an employee of an insurer, who represents the interests of
 42 the insurer, and who is paid by the insurer. A company



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**adjuster will not charge the insured a fee.
"Independent adjuster" means an insurance adjuster who is hired on a contract basis by an insurer to represent the insurer's interest in the settlement of a claim and who is paid by the insurer. An independent adjuster will not charge the insured a fee.**

"Public adjuster" means an insurance adjuster who does not work for any insurer. A public adjuster represents the insured to assist in the preparation, presentation, and settlement of the insured's claim. The insured hires a public adjuster by signing a contract under which the insured agrees to pay the public adjuster a fee or commission based on a percentage of the amount paid by the insurer in settlement of the insured's claim or based on some other method of compensation."

SECTION 10. IC 27-1-27-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 15. (a) A contract between a public adjuster and an insured may not contain any of the following:

- (1) If the public adjuster is to receive as compensation a percentage of the total amount paid by the insurer to resolve the insured's claim, a contract term that would:

 - (A) allow the public adjuster to collect a fee when the insurer has not yet paid any of the money that is due from the insurer; or**
 - (B) allow the public adjuster to collect the public adjuster's entire compensation from the first payment by the insurer if the insurer will pay the total amount to resolve the insured's claim in two (2) or more payments.****
- (2) A contract term that would require the insured to authorize an insurer to issue a check only in the name of the public adjuster.**
- (3) A contract term that would preclude the public adjuster or the insured from pursuing civil remedies.**
- (4) A contract term that would preclude the public adjuster's liability to the insured for the public adjuster's negligence.**
- (5) A contract term that would allow the public adjuster to perform the role of roofing contractor, appraiser, or any role other than that of rendering advice or assistance to the insured in the adjustment of a claim.**
- (6) A contract term that would give the public adjuster power**



1 **of attorney to act in the place of and instead of the insured.**
2 SECTION 11. IC 27-1-27-16 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2023]: **Sec. 16. (a) A public adjuster shall**
5 **ensure that a contract between the public adjuster and an insured**
6 **is in writing and contains the following:**
7 **(1) The legible full name of the public adjuster entering into**
8 **the contract, as specified in the records of the department.**
9 **(2) The permanent home state business address, electronic**
10 **mail address, and phone number of the public adjuster.**
11 **(3) The number of the certificate of authority issued to the**
12 **public adjuster under section 3 of this chapter.**
13 **(4) The title "Public Adjuster Contract" printed prominently**
14 **at the top of the first page of the contract.**
15 **(5) The:**
16 **(A) full name and street address of the insured; and**
17 **(B) the name of the insurance company by which the**
18 **insured is covered and the policy number of the policy**
19 **under which the insured is covered, if known.**
20 **(6) A description of the loss and the location of the loss, if**
21 **applicable.**
22 **(7) A description of services to be provided by the public**
23 **adjuster to the insured under the contract.**
24 **(8) The signatures of:**
25 **(A) the public adjuster or the public adjuster's authorized**
26 **representative; and**
27 **(B) the insured.**
28 **(9) The date and time when the contract was signed by the**
29 **public adjuster and the date and time when the contract was**
30 **signed by the insured.**
31 **(10) Attestation language stating that the public adjuster is**
32 **fully bonded under Indiana law.**
33 **(11) A statement of the full salary, fee, commission,**
34 **compensation, or other consideration the public adjuster is to**
35 **receive for services to be provided under the contract.**
36 **(b) A contract between the public adjuster and an insured may**
37 **specify that the public adjuster is to be named as a co-payee on an**
38 **insurer's payment of a claim.**
39 **(c) If a public adjuster's compensation under a contract between**
40 **the public adjuster and an insured is to be based on a share of the**
41 **total amount paid by the insurer to resolve the insured's claim, the**
42 **contract must specify the exact percentage of the total amount paid**



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by the insurer that is the public adjuster's share.
(d) If, under a contract between a public adjuster and an insured, the public adjuster's expenses are to be reimbursed to the public adjuster from the proceeds of the claim payment, the contract:

(1) must specify the public adjuster's expenses that are to be reimbursed, setting forth:

- (A) each type of expense to be reimbursed; and
- (B) dollar estimates of the amount to be reimbursed; and

(2) must provide that the public adjuster will not be reimbursed for any expenses other than those specified under subdivision (1) unless those expenses are first approved by the insured.

(e) The provisions of a contract between a public adjuster and an insured pertaining to the compensation of the public adjuster shall not be redacted in any copy of the contract that is provided to the insurance commissioner.

SECTION 12. IC 27-1-27-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. The following apply to a contract between an insured and a public adjuster:

(1) An insured is not required to hire a public adjuster to help the insured meet the insured's obligations under a policy, but has a right to do so.

(2) The public adjuster is not a representative or employee of the insurer.

(3) The salary, fee, commission, or other consideration to be paid to the public adjuster is the obligation of the insured, not of the insurer, except when the insured has assigned the insured's rights to the public adjuster.

SECTION 13. IC 27-1-27-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. (a) This section applies notwithstanding the terms of a written contract between an insured and a public adjuster.

(b) If the insurer, not more than five (5) business days after the date on which the insured's loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy covering the insured:

(1) the public adjuster shall not receive a commission consisting of or based on a percentage of the total amount paid by the insurer to resolve the claim of the insured;



- 1 **(2) the public adjuster shall inform the insured that the loss**
- 2 **recovery amount might not be increased by the insurer; and**
- 3 **(3) the public adjuster is entitled only to reasonable**
- 4 **compensation from the insured for services provided by the**
- 5 **public adjuster on behalf of the insured, based on:**
- 6 **(A) the time spent by the public adjuster on the claim; and**
- 7 **(B) the expenses incurred by the public adjuster before the**
- 8 **claim is paid or the insured receives a written commitment**
- 9 **from the insurer to pay the claim.**

10 SECTION 14. IC 27-1-27-19 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2023]: **Sec. 19. (a) A contract between a**
 13 **public adjuster and an insured is voidable at the option of the**
 14 **insured at any time not more than five (5) business days after the**
 15 **day on which the insurer is provided a copy of the contract under**
 16 **section 13(a)(2) of this chapter.**

17 **(b) An insured may void a contract with a public adjuster by**
 18 **notifying the public adjuster in writing of the insured's decision to**
 19 **void the contract. The written notification must be transmitted to**
 20 **the public adjuster by:**

- 21 **(1) registered or certified mail, return receipt requested, sent**
- 22 **to the address of the public adjuster shown on the contract;**
- 23 **(2) personally serving the notice on the public adjuster; or**
- 24 **(3) sending an electronic mail to the public adjuster at the**
- 25 **electronic mail address shown on the contract.**

26 **(c) If the insured exercises the right to void the contract under**
 27 **this section, the public adjuster shall return to the insured anything**
 28 **of value that the insured gave to the public adjuster under the**
 29 **contract before the voiding of the contract. The public adjuster**
 30 **shall return things of value to the insured under this section not**
 31 **more than fifteen (15) business days after the day on which the**
 32 **public adjuster receives notice under subsection (b) of the insured's**
 33 **decision to void the contract.**

34 SECTION 15. IC 27-1-27-20 IS ADDED TO THE INDIANA
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2023]: **Sec. 20. (a) An insured may rescind a**
 37 **contract between the insured and a public adjuster at any time not**
 38 **more than three (3) business days after the day on which the**
 39 **insured submits to the insurer the claim to which the contract**
 40 **relates.**

41 **(b) An insured may rescind a contract with a public adjuster by**
 42 **notifying the public adjuster in writing of the insured's decision to**



1 rescind the contract. The written notification must be transmitted
 2 to the adjuster by:

- 3 (1) registered or certified mail, return receipt requested, sent
- 4 to the address of the public adjuster shown on the contract;
- 5 (2) personally serving the notice on the public adjuster; or
- 6 (3) sending an electronic mail to the public adjuster at the
- 7 electronic mail address shown on the contract.

8 (c) If the insured exercises the right to rescind a contract under
 9 this section, the public adjuster shall return to the insured anything
 10 of value that the insured gave to the public adjuster under the
 11 contract before the rescission of the contract. The public adjuster
 12 shall return things of value to the insured under this section not
 13 more than fifteen (15) business days after the day on which the
 14 public adjuster receives notice under subsection (b) of the insured's
 15 decision to rescind the contract.

16 SECTION 16. IC 27-2-28 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]:

19 **Chapter 28. Notice of Adverse Action**

20 **Sec. 1. This chapter applies to:**

- 21 (1) an application for a personal automobile or homeowner's
- 22 policy that is submitted; or
- 23 (2) a personal automobile or homeowner's policy that is
- 24 issued, delivered, amended, or renewed;

25 after June 30, 2024.

26 **Sec. 2. (a) As used in this chapter, "adverse action" means:**

- 27 (1) a denial, nonrenewal, or cancellation of;
- 28 (2) an increase of more than nine and ninety-nine hundredths
- 29 percent (9.99%) over the expiring premium for;
- 30 (3) a reduction in coverage of; or
- 31 (4) another adverse or unfavorable change in the terms of
- 32 coverage or amount of;

33 insurance in connection with a personal automobile or
 34 homeowner's policy.

35 **(b) The term does not include the following:**

- 36 (1) An increase in the insurer's statewide base rate.
- 37 (2) An additional premium due to a change initiated by the
- 38 insured, such as:
 - 39 (A) adding or removing vehicles or drivers;
 - 40 (B) adding an endorsement;
 - 41 (C) adding additional coverages;
 - 42 (D) adding covered premises; or



- 1 **(E) increasing or decreasing coverage limits or deductibles.**
 2 **Sec. 3. As used in this chapter, "applicant" means an individual**
 3 **who has completed and submitted an application to an insurer for**
 4 **the purpose of obtaining coverage under a personal automobile or**
 5 **homeowner's policy.**
 6 **Sec. 4. As used in this chapter, "automobile policy" means a**
 7 **policy providing one (1) or more of the types of insurance**
 8 **described in Class 2(f) of IC 27-1-5-1.**
 9 **Sec. 5. As used in this chapter, "homeowner's policy" means a**
 10 **policy that provides:**
 11 **(1) coverage for:**
 12 **(A) damage to or the destruction of:**
 13 **(i) a structure; or**
 14 **(ii) a unit within a structure;**
 15 **that is used as a residence by one (1) or more individuals;**
 16 **and**
 17 **(B) damage to or the loss of personal property that is**
 18 **present in the structure or unit described in clause (A);**
 19 **caused by perils such as fire, hail, and lightning; and**
 20 **(2) coverage against the civil liability of the policyholder**
 21 **arising from bodily injury or property damage incurred by**
 22 **others.**
 23 **Sec. 6. As used in this chapter, "insured" means an individual**
 24 **entitled to coverage under a personal automobile or homeowner's**
 25 **policy.**
 26 **Sec. 7. As used in this chapter, "insurer" refers to an insurer (as**
 27 **defined in IC 27-1-2-3) that issues a personal automobile or**
 28 **homeowner's policy.**
 29 **Sec. 8. As used in this chapter, "personal automobile or**
 30 **homeowner's policy" means:**
 31 **(1) an automobile policy; or**
 32 **(2) a homeowner's policy;**
 33 **that is underwritten on an individual basis for an individual,**
 34 **family, or household.**
 35 **Sec. 9. (a) An insurer that takes an adverse action against an**
 36 **applicant or insured shall provide a written notice to the applicant**
 37 **or insured that:**
 38 **(1) explains the principal factors for the adverse action; or**
 39 **(2) states that the applicant or insured has a right to request**
 40 **and obtain an explanation of the principal factors for the**
 41 **adverse action.**
 42 **(b) An applicant or insured who receives a notice of an adverse**



1 action described in subsection (a)(2) may submit to the insurer a
 2 written request for an explanation of the principal factors for the
 3 adverse action.

4 (c) Upon receiving a request for an explanation under
 5 subsection (b), the insurer shall provide written notice to the
 6 applicant or insured explaining the principal factors for the
 7 adverse action.

8 (d) An insurer shall provide a copy of a written notice provided
 9 under subsection (a)(1) or (c) to the insurance producer, if any,
 10 who:

11 (1) represented:

12 (A) the applicant in applying for coverage; or

13 (B) the insured in obtaining coverage;

14 from the insurer; or

15 (2) represented the insurer in regard to:

16 (A) the application submitted by the applicant; or

17 (B) the providing of coverage to the insured.

18 (e) A written notice provided under subsection (a) or (c), or a
 19 written request submitted under subsection (b), must be provided
 20 by:

21 (1) first class mail; or

22 (2) electronic delivery as set forth in IC 27-1-43.

23 Sec. 10. (a) A written notice provided under section 9(a)(1) or
 24 9(c) of this chapter:

25 (1) must:

26 (A) be sufficiently clear; and

27 (B) use language sufficiently specific;

28 to enable the applicant or insured to identify the basis for the
 29 insurer's decision to take the adverse action;

30 (2) must include a description of not more than ten (10) of the
 31 principal factors most heavily weighed by an insurer in taking
 32 an adverse action, listed in no particular order; and

33 (3) must provide a point of contact through which the
 34 applicant or insured may discuss the reasons for the adverse
 35 action.

36 (b) A statement that the:

37 (1) adverse action is based on the insurer's internal standards,
 38 policies, or models;

39 (2) applicant or insured failed to achieve a particular score on
 40 the insurer's scoring system; or

41 (3) applicant or insured has a poor credit score or rating;

42 does not meet the requirements set forth in subsection (a).



1 (c) This section does not require the disclosure of factors that
2 are:

3 (1) known to the insurer as a result of the applicant's or
4 insured's participation in a usage based or telematics
5 insurance program; and

6 (2) otherwise disclosed to the applicant or insured.

7 Sec. 11. The requirements set forth in this chapter:

8 (1) do not replace; and

9 (2) are in addition to;

10 the requirements under IC 27-7-6 and IC 27-7-12.

11 Sec. 12. This chapter does not prohibit an insurer from
12 voluntarily providing the disclosures required by this chapter.

13 Sec. 13. A violation of this chapter by an insurer is an unfair or
14 deceptive act or practice in the business of insurance under
15 IC 27-4-1-4.

16 Sec. 14. A violation of this chapter does not create a private
17 cause of action.

18 SECTION 17. IC 27-4-1-4, AS AMENDED BY P.L.19-2022,
19 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2023]: Sec. 4. (a) The following are hereby defined as unfair
21 methods of competition and unfair and deceptive acts and practices in
22 the business of insurance:

23 (1) Making, issuing, circulating, or causing to be made, issued, or
24 circulated, any estimate, illustration, circular, or statement:

25 (A) misrepresenting the terms of any policy issued or to be
26 issued or the benefits or advantages promised thereby or the
27 dividends or share of the surplus to be received thereon;

28 (B) making any false or misleading statement as to the
29 dividends or share of surplus previously paid on similar
30 policies;

31 (C) making any misleading representation or any
32 misrepresentation as to the financial condition of any insurer,
33 or as to the legal reserve system upon which any life insurer
34 operates;

35 (D) using any name or title of any policy or class of policies
36 misrepresenting the true nature thereof; or

37 (E) making any misrepresentation to any policyholder insured
38 in any company for the purpose of inducing or tending to
39 induce such policyholder to lapse, forfeit, or surrender the
40 policyholder's insurance.

41 (2) Making, publishing, disseminating, circulating, or placing
42 before the public, or causing, directly or indirectly, to be made,



1 published, disseminated, circulated, or placed before the public,
2 in a newspaper, magazine, or other publication, or in the form of
3 a notice, circular, pamphlet, letter, or poster, or over any radio or
4 television station, or in any other way, an advertisement,
5 announcement, or statement containing any assertion,
6 representation, or statement with respect to any person in the
7 conduct of the person's insurance business, which is untrue,
8 deceptive, or misleading.

9 (3) Making, publishing, disseminating, or circulating, directly or
10 indirectly, or aiding, abetting, or encouraging the making,
11 publishing, disseminating, or circulating of any oral or written
12 statement or any pamphlet, circular, article, or literature which is
13 false, or maliciously critical of or derogatory to the financial
14 condition of an insurer, and which is calculated to injure any
15 person engaged in the business of insurance.

16 (4) Entering into any agreement to commit, or individually or by
17 a concerted action committing any act of boycott, coercion, or
18 intimidation resulting or tending to result in unreasonable
19 restraint of, or a monopoly in, the business of insurance.

20 (5) Filing with any supervisory or other public official, or making,
21 publishing, disseminating, circulating, or delivering to any person,
22 or placing before the public, or causing directly or indirectly, to
23 be made, published, disseminated, circulated, delivered to any
24 person, or placed before the public, any false statement of
25 financial condition of an insurer with intent to deceive. Making
26 any false entry in any book, report, or statement of any insurer
27 with intent to deceive any agent or examiner lawfully appointed
28 to examine into its condition or into any of its affairs, or any
29 public official to which such insurer is required by law to report,
30 or which has authority by law to examine into its condition or into
31 any of its affairs, or, with like intent, willfully omitting to make a
32 true entry of any material fact pertaining to the business of such
33 insurer in any book, report, or statement of such insurer.

34 (6) Issuing or delivering or permitting agents, officers, or
35 employees to issue or deliver, agency company stock or other
36 capital stock, or benefit certificates or shares in any common law
37 corporation, or securities or any special or advisory board
38 contracts or other contracts of any kind promising returns and
39 profits as an inducement to insurance.

40 (7) Making or permitting any of the following:

41 (A) Unfair discrimination between individuals of the same
42 class and equal expectation of life in the rates or assessments



1 charged for any contract of life insurance or of life annuity or
2 in the dividends or other benefits payable thereon, or in any
3 other of the terms and conditions of such contract. However,
4 in determining the class, consideration may be given to the
5 nature of the risk, plan of insurance, the actual or expected
6 expense of conducting the business, or any other relevant
7 factor.

8 (B) Unfair discrimination between individuals of the same
9 class involving essentially the same hazards in the amount of
10 premium, policy fees, assessments, or rates charged or made
11 for any policy or contract of accident or health insurance or in
12 the benefits payable thereunder, or in any of the terms or
13 conditions of such contract, or in any other manner whatever.
14 However, in determining the class, consideration may be given
15 to the nature of the risk, the plan of insurance, the actual or
16 expected expense of conducting the business, or any other
17 relevant factor.

18 (C) Excessive or inadequate charges for premiums, policy
19 fees, assessments, or rates, or making or permitting any unfair
20 discrimination between persons of the same class involving
21 essentially the same hazards, in the amount of premiums,
22 policy fees, assessments, or rates charged or made for:

23 (i) policies or contracts of reinsurance or joint reinsurance,
24 or abstract and title insurance;

25 (ii) policies or contracts of insurance against loss or damage
26 to aircraft, or against liability arising out of the ownership,
27 maintenance, or use of any aircraft, or of vessels or craft,
28 their cargoes, marine builders' risks, marine protection and
29 indemnity, or other risks commonly insured under marine,
30 as distinguished from inland marine, insurance; or

31 (iii) policies or contracts of any other kind or kinds of
32 insurance whatsoever.

33 However, nothing contained in clause (C) shall be construed to
34 apply to any of the kinds of insurance referred to in clauses (A)
35 and (B) nor to reinsurance in relation to such kinds of insurance.
36 Nothing in clause (A), (B), or (C) shall be construed as making or
37 permitting any excessive, inadequate, or unfairly discriminatory
38 charge or rate or any charge or rate determined by the department
39 or commissioner to meet the requirements of any other insurance
40 rate regulatory law of this state.

41 (8) Except as otherwise expressly provided by IC 27-1-47 or
42 another law, knowingly permitting or offering to make or making



1 any contract or policy of insurance of any kind or kinds
 2 whatsoever, including but not in limitation, life annuities, or
 3 agreement as to such contract or policy other than as plainly
 4 expressed in such contract or policy issued thereon, or paying or
 5 allowing, or giving or offering to pay, allow, or give, directly or
 6 indirectly, as inducement to such insurance, or annuity, any rebate
 7 of premiums payable on the contract, or any special favor or
 8 advantage in the dividends, savings, or other benefits thereon, or
 9 any valuable consideration or inducement whatever not specified
 10 in the contract or policy; or giving, or selling, or purchasing or
 11 offering to give, sell, or purchase as inducement to such insurance
 12 or annuity or in connection therewith, any stocks, bonds, or other
 13 securities of any insurance company or other corporation,
 14 association, limited liability company, or partnership, or any
 15 dividends, savings, or profits accrued thereon, or anything of
 16 value whatsoever not specified in the contract. Nothing in this
 17 subdivision and subdivision (7) shall be construed as including
 18 within the definition of discrimination or rebates any of the
 19 following practices:

20 (A) Paying bonuses to policyholders or otherwise abating their
 21 premiums in whole or in part out of surplus accumulated from
 22 nonparticipating insurance, so long as any such bonuses or
 23 abatement of premiums are fair and equitable to policyholders
 24 and for the best interests of the company and its policyholders.

25 (B) In the case of life insurance policies issued on the
 26 industrial debit plan, making allowance to policyholders who
 27 have continuously for a specified period made premium
 28 payments directly to an office of the insurer in an amount
 29 which fairly represents the saving in collection expense.

30 (C) Readjustment of the rate of premium for a group insurance
 31 policy based on the loss or expense experience thereunder, at
 32 the end of the first year or of any subsequent year of insurance
 33 thereunder, which may be made retroactive only for such
 34 policy year.

35 (D) Paying by an insurer or insurance producer thereof duly
 36 licensed as such under the laws of this state of money,
 37 commission, or brokerage, or giving or allowing by an insurer
 38 or such licensed insurance producer thereof anything of value,
 39 for or on account of the solicitation or negotiation of policies
 40 or other contracts of any kind or kinds, to a broker, an
 41 insurance producer, or a solicitor duly licensed under the laws
 42 of this state, but such broker, insurance producer, or solicitor



- 1 receiving such consideration shall not pay, give, or allow
2 credit for such consideration as received in whole or in part,
3 directly or indirectly, to the insured by way of rebate.
- 4 (9) Requiring, as a condition precedent to loaning money upon the
5 security of a mortgage upon real property, that the owner of the
6 property to whom the money is to be loaned negotiate any policy
7 of insurance covering such real property through a particular
8 insurance producer or broker or brokers. However, this
9 subdivision shall not prevent the exercise by any lender of the
10 lender's right to approve or disapprove of the insurance company
11 selected by the borrower to underwrite the insurance.
- 12 (10) Entering into any contract, combination in the form of a trust
13 or otherwise, or conspiracy in restraint of commerce in the
14 business of insurance.
- 15 (11) Monopolizing or attempting to monopolize or combining or
16 conspiring with any other person or persons to monopolize any
17 part of commerce in the business of insurance. However,
18 participation as a member, director, or officer in the activities of
19 any nonprofit organization of insurance producers or other
20 workers in the insurance business shall not be interpreted, in
21 itself, to constitute a combination in restraint of trade or as
22 combining to create a monopoly as provided in this subdivision
23 and subdivision (10). The enumeration in this chapter of specific
24 unfair methods of competition and unfair or deceptive acts and
25 practices in the business of insurance is not exclusive or
26 restrictive or intended to limit the powers of the commissioner or
27 department or of any court of review under section 8 of this
28 chapter.
- 29 (12) Requiring as a condition precedent to the sale of real or
30 personal property under any contract of sale, conditional sales
31 contract, or other similar instrument or upon the security of a
32 chattel mortgage, that the buyer of such property negotiate any
33 policy of insurance covering such property through a particular
34 insurance company, insurance producer, or broker or brokers.
35 However, this subdivision shall not prevent the exercise by any
36 seller of such property or the one making a loan thereon of the
37 right to approve or disapprove of the insurance company selected
38 by the buyer to underwrite the insurance.
- 39 (13) Issuing, offering, or participating in a plan to issue or offer,
40 any policy or certificate of insurance of any kind or character as
41 an inducement to the purchase of any property, real, personal, or
42 mixed, or services of any kind, where a charge to the insured is



1 not made for and on account of such policy or certificate of
 2 insurance. However, this subdivision shall not apply to any of the
 3 following:

4 (A) Insurance issued to credit unions or members of credit
 5 unions in connection with the purchase of shares in such credit
 6 unions.

7 (B) Insurance employed as a means of guaranteeing the
 8 performance of goods and designed to benefit the purchasers
 9 or users of such goods.

10 (C) Title insurance.

11 (D) Insurance written in connection with an indebtedness and
 12 intended as a means of repaying such indebtedness in the
 13 event of the death or disability of the insured.

14 (E) Insurance provided by or through motorists service clubs
 15 or associations.

16 (F) Insurance that is provided to the purchaser or holder of an
 17 air transportation ticket and that:

18 (i) insures against death or nonfatal injury that occurs during
 19 the flight to which the ticket relates;

20 (ii) insures against personal injury or property damage that
 21 occurs during travel to or from the airport in a common
 22 carrier immediately before or after the flight;

23 (iii) insures against baggage loss during the flight to which
 24 the ticket relates; or

25 (iv) insures against a flight cancellation to which the ticket
 26 relates.

27 (14) Refusing, because of the for-profit status of a hospital or
 28 medical facility, to make payments otherwise required to be made
 29 under a contract or policy of insurance for charges incurred by an
 30 insured in such a for-profit hospital or other for-profit medical
 31 facility licensed by the ~~state~~ **Indiana** department of health.

32 (15) Refusing to insure an individual, refusing to continue to issue
 33 insurance to an individual, limiting the amount, extent, or kind of
 34 coverage available to an individual, or charging an individual a
 35 different rate for the same coverage, solely because of that
 36 individual's blindness or partial blindness, except where the
 37 refusal, limitation, or rate differential is based on sound actuarial
 38 principles or is related to actual or reasonably anticipated
 39 experience.

40 (16) Committing or performing, with such frequency as to
 41 indicate a general practice, unfair claim settlement practices (as
 42 defined in section 4.5 of this chapter).



- 1 (17) Between policy renewal dates, unilaterally canceling an
 2 individual's coverage under an individual or group health
 3 insurance policy solely because of the individual's medical or
 4 physical condition.
 5 (18) Using a policy form or rider that would permit a cancellation
 6 of coverage as described in subdivision (17).
 7 (19) Violating IC 27-1-22-25, IC 27-1-22-26, or IC 27-1-22-26.1
 8 concerning motor vehicle insurance rates.
 9 (20) Violating IC 27-8-21-2 concerning advertisements referring
 10 to interest rate guarantees.
 11 (21) Violating IC 27-8-24.3 concerning insurance and health plan
 12 coverage for victims of abuse.
 13 (22) Violating IC 27-8-26 concerning genetic screening or testing.
 14 (23) Violating IC 27-1-15.6-3(b) concerning licensure of
 15 insurance producers.
 16 (24) Violating IC 27-1-38 concerning depository institutions.
 17 (25) Violating IC 27-8-28-17(c) or IC 27-13-10-8(c) concerning
 18 the resolution of an appealed grievance decision.
 19 (26) Violating IC 27-8-5-2.5(e) through IC 27-8-5-2.5(j) (expired
 20 July 1, 2007, and removed) or IC 27-8-5-19.2 (expired July 1,
 21 2007, and repealed).
 22 (27) Violating IC 27-2-21 concerning use of credit information.
 23 (28) Violating IC 27-4-9-3 concerning recommendations to
 24 consumers.
 25 (29) Engaging in dishonest or predatory insurance practices in
 26 marketing or sales of insurance to members of the United States
 27 Armed Forces as:
 28 (A) described in the federal Military Personnel Financial
 29 Services Protection Act, P.L.109-290; or
 30 (B) defined in rules adopted under subsection (b).
 31 (30) Violating IC 27-8-19.8-20.1 concerning stranger originated
 32 life insurance.
 33 (31) Violating IC 27-2-22 concerning retained asset accounts.
 34 (32) Violating IC 27-8-5-29 concerning health plans offered
 35 through a health benefit exchange (as defined in IC 27-19-2-8).
 36 (33) Violating a requirement of the federal Patient Protection and
 37 Affordable Care Act (P.L. 111-148), as amended by the federal
 38 Health Care and Education Reconciliation Act of 2010 (P.L.
 39 111-152), that is enforceable by the state.
 40 (34) After June 30, 2015, violating IC 27-2-23 concerning
 41 unclaimed life insurance, annuity, or retained asset account
 42 benefits.



- 1 (35) Willfully violating IC 27-1-12-46 concerning a life insurance
- 2 policy or certificate described in IC 27-1-12-46(a).
- 3 (36) Violating IC 27-1-37-7 concerning prohibiting the disclosure
- 4 of health care service claims data.
- 5 (37) Violating IC 27-4-10-10 concerning virtual claims payments.
- 6 (38) Violating IC 27-1-24.5 concerning pharmacy benefit
- 7 managers.
- 8 (39) Violating IC 27-7-17-16 or IC 27-7-17-17 concerning the
- 9 marketing of travel insurance policies.
- 10 **(40) Violating IC 27-2-28 concerning notice of adverse action.**
- 11 (b) Except with respect to federal insurance programs under
- 12 Subchapter III of Chapter 19 of Title 38 of the United States Code, the
- 13 commissioner may, consistent with the federal Military Personnel
- 14 Financial Services Protection Act (10 U.S.C. 992 note), adopt rules
- 15 under IC 4-22-2 to:
- 16 (1) define; and
- 17 (2) while the members are on a United States military installation
- 18 or elsewhere in Indiana, protect members of the United States
- 19 Armed Forces from;
- 20 dishonest or predatory insurance practices.

