

NOTICE OF INTENT TO ACT UPON REGULATION AND HEARING AGENDA

Notice of Hearing for the Adoption, Amendment or Repeal of Regulations of
The Department of Business and Industry, Division of Insurance

The State of Nevada, Department of Business and Industry, Division of Insurance (“Division”), (775) 687-0700, will hold a public hearing at **9:30 a.m. on May 25, 2018**, in the 1st Floor Hearing Room, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. Interested persons may also participate through a simultaneous videoconference conducted in the 4th Floor Nevada Room at the Nevada State Business Center/Division of Insurance, 3300 West Sahara Avenue, Suite 275, Las Vegas, Nevada 89102. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment or repeal of regulations pertaining to chapter 684A of the Nevada Administrative Code (“NAC”).

The following information is provided pursuant to the requirements of Nevada Revised Statutes (“NRS”) 233B.0603 and the directives of the Governor:

LCB File No. R028-18. Adjuster Licensing and Education.

A regulation relating to insurance; prescribing the prelicensing education requirements for applicants for a license as an adjuster or an associate adjuster; prescribing certain continuing education requirements for renewal of a license as an adjuster held by an individual; prescribing the requirements for the approval of courses of instruction for prelicensing education and continuing education and for the approval of instructors of such courses of instruction; and providing other matters properly relating thereto.

- (1) Why is the regulation necessary and what is its purpose?

Assembly Bill 12 was passed by the 2017 Nevada Legislature and signed into law by Governor Sandoval on May 12, 2017. That bill added language from the NAIC Independent Adjuster Model Law, which includes a requirement of successfully completing a pre-licensing course of education prior to taking the adjuster’s licensing examination, and 24 hours of continuing education prior to the renewal of an adjuster’s license. This regulation is needed to provide the requirements for approval of adjuster education courses along with their instructors. It also includes requirements for the content of the courses and the verification of completion that must be provided to the Nevada Division of Insurance.

- (2) What are the terms or substance of the proposed regulation?

This proposed regulation includes requirements for the completion of prelicensing education for applicants for a Nevada adjuster’s license, rules for the approval of courses of instruction and continuing education, including the approval of the instructors for such courses. The proposed regulation also includes the required documents that must be provided for the courses, grounds for denying approval of the courses, limitations on hours of instruction, qualifications of instructors, approval of correspondence, extension or self-study courses, and subject matter to be included in the courses. Further this regulation addresses suspension or

revocation of approval of courses, along with penalties for providing the Division with false or fraudulent documents. The regulation is needed so the Nevada Division of Insurance can implement the systems and work with providers of both prelicensing and continuing education to be able to meet the requirements of AB 12, which becomes law as of July 1, 2018.

- (3) What is the anticipated impact of the regulation on the problem(s)?

This regulation will create the rules that will allow the Division to review and approve education providers, so the Division can have CE and prelicensing vendors in place by the July 1, 2018 effective date of the new adjuster licensing requirements.

- (4) Do other regulations address the same problem(s)?

There are no other regulations that address the licensing requirements for adjusters as mandated by AB 12.

- (5) Are alternate forms of regulation sufficient to address the problem(s)?

There are no alternative forms of regulation sufficient to address the requirements of AB 12.

- (6) What value does the regulation have to the public?

This regulation sets up the framework to help ensure that Nevada adjusters have the proper knowledge and education to pass the licensing examination, and continue to be current in their training and education through the continuing education that is required for their license renewal. This will benefit Nevada insurance consumers with better trained and educated adjusters.

- (7) What is the anticipated economic benefit of the regulation?

- a. Public
 - 1. Immediate: *None.*
 - 2. Long Term: *None.*
- b. Insurance Business
 - 1. Immediate: *None.*
 - 2. Long Term: *None.*
- c. Small Businesses
 - 1. Immediate: *None.*
 - 2. Long Term: *None.*
- d. Small Communities
 - 1. Immediate: *None.*
 - 2. Long Term: *None.*
- e. Government Entities

1. Immediate: *None*.
2. Long Term: *None*.

(8) What is the anticipated adverse impact, if any?

- a. Public
 1. Immediate: *None*.
 2. Long Term: *None*.
- b. Insurance Business
 1. Immediate: *None*.
 2. Long Term: *None*.
- c. Small Businesses
 1. Immediate: *None*.
 2. Long Term: *None*.
- d. Small Communities
 1. Immediate: *None*.
 2. Long Term: *None*.
- e. Government Entities
 1. Immediate: *None*.
 2. Long Term: *None*.

(9) What is the anticipated cost of the regulation, both direct and indirect?

- a. Enactment: *None*.
- b. Enforcement: *None*.
- c. Compliance: *None*.

(10) Does the regulation establish a new fee or increase an existing fee?

The regulation does not establish a new fee or increase an existing fee.

(11) Provide a statement which identifies the methods used by the agency in determining the impact of the proposed regulation on a small business, prepared pursuant to subsection 3 of NRS 233B.0608.

Please see attached Small Business Impact Statement.

(12) Provide a description of any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates, and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, state the name of the regulating federal agency.

There is no duplication of regulations of any other state or local governmental agency.

(13) If the regulation is required pursuant to federal law, provide a citation and description of the federal law.

Not applicable, as the regulation is not required pursuant to federal law.

(14) If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, provide a summary of such provisions.

Not applicable, as there are not more stringent provisions.

Persons wishing to comment upon the proposed actions of the Division may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, to the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706. **Written submissions must be received by the Division on or before May 7, 2018.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted, amended or repealed will be on file at the State Library, 100 North Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation will be available at the offices of the Division, 1818 East College Parkway, Suite 103, Carson City, Nevada 89706, and 3300 West Sahara Avenue, Suite 275, Las Vegas, Nevada 89102, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://leg.state.nv.us/register/>. Copies of this notice and the proposed regulation will be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

Notice of the hearing was provided via electronic means to all persons on the agency's e-mail list for administrative regulations, and this Notice of Intent to Act Upon Regulation was posted to the agency's Internet Web site at <http://doi.nv.gov/> and was provided to or posted at the following locations:

Nevada Division of Insurance
1818 East College Parkway, Suite 103
Carson City, Nevada 89706

Nevada Division of Insurance
3300 West Sahara Avenue, Suite 275
Las Vegas, Nevada 89102

Legislative Building
401 South Carson Street

Nevada State Business Center
3300 West Sahara Avenue

Carson City, Nevada 89701

Blasdel Building
209 East Musser Street
Carson City, Nevada 89701

Capitol Building Main Floor
101 North Carson Street
Carson City, Nevada 89701

Nevada State Library & Archives
100 North Stewart Street
Carson City, Nevada 89701

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Elko County Library
720 Court Street
Elko, Nevada 89801

Eureka Branch Library
P.O. Box 293
Eureka, Nevada 89316

Lander County Library
P.O. Box 141
Battle Mountain, Nevada 89820

Lincoln County Library
P.O. Box 330
Pioche, Nevada 89043-0330

Mineral County Public Library
P.O. Box 1390
Hawthorne, Nevada 89415

Storey County Clerk
P.O. Drawer D
Virginia City, Nevada 89440

Washoe County/Downtown Reno Library
P.O. Box 2151
Reno, Nevada 89505-2151

Las Vegas, Nevada 89102

Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada 89101

Nevada Department of Employment,
Training and Rehabilitation
2800 E. Saint Louis Avenue
Las Vegas, Nevada 89104

Carson City Library
900 North Roop Street
Carson City, Nevada 89701

Douglas County Library
P.O. Box 337
Minden, Nevada 89423

Esmeralda County Library
P.O. Box 430
Goldfield, Nevada 89013

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Las Vegas-Clark County Library District
7060 W. Windmill Lane
Las Vegas, Nevada 89113

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Pershing County Library
P.O. Box 781
Lovelock, Nevada 89419

Tonopah Public Library
P.O. Box 449
Tonopah, Nevada 89049

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Members of the public who would like additional information about the proposed

regulation may contact Susan Bell, Legal Secretary, at (775) 687-0704, or via e-mail to suebell@doi.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the hearing are requested to notify the Commissioner's secretary, in writing, no later than five (5) working days before the hearing: 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

DATED this __18th__ day of April, 2018.

/s/
BARBARA D. RICHARDSON
Commissioner of Insurance

HEARING AGENDA

The State of Nevada, Department of Business and Industry, Division of Insurance

May 25, 2018 • 9:30 a.m.

Location of Hearing:

Nevada Division of Insurance
1818 E. College Pkwy., 1st Floor Hearing Room
Carson City, NV 89706
(Division Offices located in Suite 103)

Available via Videoconference at:

Nevada Division of Insurance
3300 W. Sahara Ave., 4th Floor Nevada Room
Las Vegas, NV 89102
(Division Offices located in Suite 275)

1. Open Hearing: R028-18.
2. Presentation, Discussion and Adoption of Proposed Regulation. (For Possible Action)

LCB File No. R028-18. Adjuster Licensing and Education.

A regulation relating to insurance; prescribing the prelicensing education requirements for applicants for a license as an adjuster or an associate adjuster; prescribing certain continuing education requirements for renewal of a license as an adjuster held by an individual; prescribing the requirements for the approval of courses of instruction for prelicensing education and continuing education and for the approval of instructors of such courses of instruction; and providing other matters properly relating thereto.

3. Public Comment.
4. Close Hearing: R028-18.
5. Adjournment.

Supporting public material for this hearing may be requested from Susan Bell, Legal Secretary, Nevada Division of Insurance, 1818 E. College Parkway, Carson City, Nevada 89706, (775) 687-0704, or suebell@doi.nv.gov.

Note: Any agenda item may be taken out of order; items may be combined for consideration by the public body; items may be pulled or removed from the agenda at any time; and, discussion relating to an item may be delayed or continued at any time. The Hearing Officer, within his/her discretion, may allow for public comment on individual agenda items. Public comment may be limited to three minutes per speaker.

Members of the public are encouraged to submit written comments for the record.

We are pleased to make reasonable accommodations for attendees with disabilities. Please notify the Commissioner's secretary, in writing, no later than five (5) working days before the hearing: 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706, or suebell@doi.nv.gov.

NOTICES FOR THIS HEARING HAVE BEEN POSTED IN ACCORDANCE WITH NRS 241 AT THE FOLLOWING LOCATIONS:

Nevada Division of Insurance, 1818 E. College Parkway, Suite 103, Carson City, Nevada 89706

Nevada Division of Insurance, 3300 W. Sahara Avenue, Suite 275, Las Vegas, Nevada 89102

Nevada State Business Center, 3300 W. Sahara Avenue, Las Vegas, Nevada 89102

Nevada State Legislative Building, 401 S. Carson Street, Carson City, Nevada 89701

Grant Sawyer State Office Building, 555 E. Washington Avenue, Las Vegas, Nevada 89101

Blasdel State Office Building, 209 E. Musser Street, Carson City, Nevada 89701

Nevada State Capitol, 101 N. Carson Street, Carson City, Nevada 89701

Nevada Dept. of Employment, Training and Rehabilitation, 2800 E. Saint Louis Avenue, Las Vegas, Nevada 89104

The State of Nevada Website (www.nv.gov)

The Nevada State Legislature Website (www.leg.state.nv.us)

The Nevada Division of Insurance Website (www.doi.nv.gov)