
**Rules of
Department of Insurance
Division 700—Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

Title	Page
20 CSR 700-2.100 Public Adjusters	3
20 CSR 700-2.200 Claim Checks or Drafts	3
20 CSR 700-2.300 Public Adjuster Contracts	3

**Title 20—DEPARTMENT OF
INSURANCE
Division 700—Licensing
Chapter 2—Public Adjusters and Public
Adjuster Solicitors**

20 CSR 700-2.100 Public Adjusters

PURPOSE: This regulation explains the scope of the public adjuster's licensing act and states the applicability of the unfair trade practices and frauds act to public adjusters.

(1) Definition of Public Adjuster. The term adjustment or settlement of claims as used in section 325.010(1), RSMo (1986) shall include any person not otherwise exempted by that definition who negotiates with an insurer on behalf of an insured as to the amount or extent of a loss covered by a policy of fire or allied lines of insurance. This shall include the acts of representing the insured or speaking on behalf of the insured toward any agent or other person granted the authority to adjust claims by an insurer. No person shall so act unless licensed as required by sections 325.010—325.055, RSMo (1986).

(2) Licensing. Each public adjuster license shall be numbered. That number shall be entered upon any proof of loss, estimate or any other correspondence from the adjuster to an insurer or its agents.

(3) Applicability of Unfair Trade Practices Act. Notice is provided to all public adjusters that they are within the scope of the unfair trade practices act, sections 375.930—375.948, RSMo (1986), with attendant penalties. Particular attention is directed to the prohibitions of section 375.936(1), RSMo (1986), relating to restraint of trade; section 375.936(2), RSMo (1986), defamatory statements; section 375.936(4), RSMo (1986), making untrue, deceptive or misleading statements with respect to the business of insurance or any person in the conduct of that business; and section 375.936(5), RSMo (1986), misrepresentations of the benefits of an insurance policy.

Auth: sections 325.010 and 375.936, RSMo (1986). This rule was previously filed as 4 CSR 190-12.070. Original rule filed Dec. 23, 1975, effective Jan. 2, 1976. Amended: Filed Oct. 31, 1988, effective March 1, 1989.

20 CSR 700-2.200 Claim Checks or Drafts

PURPOSE: This rule effectuates or aids in the interpretation of 375.936(10),

RSMo as applied to claims involving a public adjuster or solicitor.

No insurance company authorized to do the business of insurance in Missouri shall make payment of any insurance claim, or any portion of a claim, to a public adjuster or solicitor on account of services rendered by a public adjuster or solicitor to an insured unless the name of the insured is added as a joint payee on any claim check or draft. The payment, whether by check, draft or otherwise, should be sent to the address designated by the insured.

Auth: sections 374.045 and 375.930—375.948, RSMo (1986). This rule was previously filed as 4 CSR 190-10.060(10). Original rule filed Aug. 5, 1974, effective Aug. 15, 1974. Rescinded and readopted: Filed Aug. 16, 1978, effective Dec. 11, 1978. Amended: Filed Sept. 11, 1980, effective Feb. 16, 1981. Amended: Filed Sept. 14, 1981, effective Jan. 15, 1982. Amended: Filed Aug. 4, 1986, effective Jan. 1, 1987. Amended: Filed Jan. 5, 1987, effective June 1, 1987. Amended: Filed Aug. 4, 1987, effective Dec. 24, 1987. Amended: Filed Dec. 9, 1988, effective April 28, 1989. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency amendment filed Feb. 21, 1990, effective March 5, 1990, expired June 2, 1990. Amended: Filed Feb. 26, 1990, effective June 11, 1990. Amended: Filed Dec. 12, 1990, effective June 10, 1991.

20 CSR 700-2.300 Public Adjuster Contracts

PURPOSE: This rule specifies information which must be contained in contracts for the services of public adjusters. It requires that the right of cancellation provided in section 325.050, RSMo (1986) be disclosed in each contract by which an insured employs a public adjuster to adjust a fire loss.

(1) Every contract for services to be rendered by a public adjuster within the scope of Chapter 325, RSMo shall contain the following statement. It shall be in boldface ten (10)-point or larger type (except for the statute included) and located conspicuously on the front face of the contract. "THIS CONTRACT MAY BE CANCELLED WITHIN THREE (3) DAYS

AFTER THE OWNER OF THE DAMAGED PROPERTY HAS SIGNED THIS AGREEMENT. MISSOURI LAW SAYS:

'1. The owner of damaged property has the right to cancel any agreement entered into with a licensed public adjuster or a licensed public adjuster solicitor until midnight of the third business day after the day on which the agreement was signed.' '2. Cancellation occurs when the buyer gives written notice of cancellation to the licensed public adjuster or licensed public adjuster solicitor at the address stated in the agreement between the parties. Notice of cancellation may be given by mail and is given when deposited in a United States mail box properly addressed and postage prepaid. Notice of cancellation must contain the written intention of the owner to cancel the agreement. No liability accrues to the owner when the agreement is cancelled within the period, except for reasonable expenses incurred in preserving the damaged premises during the said three-day period.' Section 325.050, RSMo (1986)."

(2) Every contract for services to be rendered by a public adjuster within the scope of Chapter 325, RSMo shall clearly indicate the time, date and place of execution of the contract. This information shall be part of the contract and shall be placed thereon before execution.

(3) The director reserves the right to approve forms of contracts containing language other than that specified in section (1) of this regulation if the language reasonably discloses to the insured his/her statutory rights under section 325.050, RSMo (1986) and is otherwise consistent with all other provisions of law and regulations promulgated.

Auth: sections 325.050 and 374.045, RSMo (1986). This rule was previously filed as 4 CSR 190-21.010. Original rule filed July 15, 1976, effective Dec. 20, 1976. Amended: Filed Aug. 16, 1977, effective Dec. 11, 1977. Amended: Filed Nov. 2, 1989, effective Feb. 15, 1990. Emergency rescission filed Feb. 9, 1990, effective Feb. 20, 1990, expired May 20, 1990. Amended: Filed March 19, 1990, effective June 28, 1990.