

**HOUSE BILL** 0047,

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7

AN ACT to amend W.S. 26-1-102(a) by creating a new paragraph (xxxii) and renumbering (xxxii) as (xxxiii) and 26-9-139 by creating a new subsection (f) relating to insurance consultants; providing definition of insurance consultant; requiring disclosure of scope of services provided by insurance consultants; and providing for an effective date.

William M. Stone

[illegible]

**CONTINUED ON BACK**

House of Intro				Second House			
_____	To Com. No.	_____		_____	To Com No.	_____	
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____
_____	Com Whole	Do _____	Amd _____	Not _____	_____	Com Whole	Do _____
_____	2nd Reading	Amd _____			_____	2nd Reading	Amd _____
_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____
							Pass _____
							Fail _____

1991

STATE OF WYOMING

91LSO-0047.01

HOUSE BILL NO. 0047

Insurance consultants.

Sponsored by: Representative(s) TIBBS

A BILL

for

1 AN ACT to amend W.S. 26-1-102(a) by creating a new para-  
 2 graph (xxxii) and renumbering (xxxii) as (xxxiii) and  
 3 26-9-139 by creating a new subsection (f) relating to  
 4 insurance consultants; providing definition of insurance  
 5 consultant; requiring disclosure of scope of services pro-  
 6 vided by insurance consultants; and providing for an  
 7 effective date.

8 Be It Enacted by the Legislature of the State of Wyoming:

9 Section 1. W.S. 26-1-102(a) by creating a new para-  
 10 graph (xxxii) and renumbering (xxxii) as (xxxiii) and  
 11 26-9-139 by creating a new subsection (f) are amended to  
 12 read:

- 1 -

**NO SIGNIFICANT FISCAL OR  
 PERSONNEL IMPACT AT STATE LEVEL**

HB 47

1        26-1-102. Definitions.

2        (a) As used in this act:

3                (xxxii) "CONSULTANT" MEANS ANY PERSON WHO, FOR A  
4 FEE, ENGAGES IN THE BUSINESS OF OFFERING TO ANOTHER PERSON  
5 ANY ADVICE, COUNSEL, OPINION OR SERVICE WITH RESPECT TO  
6 INSURANCE NEEDS, INSURANCE RISKS, OR CONCERNING THE BENE-  
7 FITS, COVERAGES OR PROVISIONS UNDER ANY POLICY OF INSUR-  
8 ANCE THAT COULD BE ISSUED IN THIS STATE, OR INVOLVING THE  
9 ADVANTAGES OR DISADVANTAGES OF ANY SUCH POLICY OF INSUR-  
10 ANCE, OR ANY FORMAL PLAN OF MANAGING PURE RISK AND IS COM-  
11 PENSATED BY THE PERSON SEEKING ADVICE OR AN INSURER, AGENT  
12 OR BROKER FOR THE ADVICE GIVEN. CONSULTANTS, AS DEFINED  
13 IN THIS ACT, SHALL INCLUDE A PUBLIC ADJUSTOR OR ANY OTHER  
14 PERSON WHO, FOR COMPENSATION AS AN INDEPENDENT CONTRACTOR,  
15 OR AS THE EMPLOYEE OF AN INDEPENDENT CONTRACTOR, OR FOR  
16 FEE OR COMMISSION, ON BEHALF OF THE INSURED INVESTIGATES  
17 AND NEGOTIATES SETTLEMENT OF CLAIMS ARISING UNDER INSUR-  
18 ANCE CONTRACTS OR WHO IS ENGAGED IN THE BUSINESS OF ADVIS-  
19 ING INSURED WITH RESPECT TO THE BENEFITS OR ADVANTAGES  
20 PROMISED UNDER INSURANCE CONTRACTS THAT COULD BE AND HAVE  
21 BEEN ISSUED IN THIS STATE. THE TERM DOES NOT INCLUDE:

22                (A) AN ATTORNEY AT LAW WHO IS LICENSED TO

1 PRACTICE IN THIS STATE;

2 (B) ANY LICENSED AGENT OR BROKER WHO GIVES  
3 ADVICE INCIDENTAL TO THE NORMAL COURSE OF THE AGENT'S OR  
4 BROKER'S INSURANCE BUSINESS AND DOES NOT CHARGE A FEE  
5 OTHER THAN COMMISSIONS RECEIVED FROM THE INSURANCE WRIT-  
6 TEN; OR

7 (C) ANY PERSON WHO GIVES INCIDENTAL ADVICE  
8 IN THE NORMAL COURSE OF A BUSINESS OR PROFESSIONAL ACTIV-  
9 ITY, OTHER THAN INSURANCE CONSULTING, IF NEITHER THAT PER-  
10 SON NOR THAT PERSON'S EMPLOYER RECEIVES COMPENSATION,  
11 DIRECT OR INDIRECT, ON ACCOUNT OF ANY INSURANCE TRANSAC-  
12 TION THAT RESULTS FROM THAT ADVICE.

13 {~~xxxxii~~} (xxxiii) "This act" or "this code" means  
14 title 26 of the Wyoming statutes.

15 26-9-139. Insurance consultants.

16 (f) A LICENSEE UNDER THIS SECTION SHALL FULLY DIS-  
17 CLOSE AND FAIRLY REPRESENT IN WRITING TO HIS CLIENTS OR  
18 POTENTIAL CLIENTS THE SCOPE OF SERVICES TO BE PROVIDED,  
19 THE FEE TO BE CHARGED AND WHETHER ADDITIONAL COVERAGE  
20 ANALYSIS IS AVAILABLE.

1       Section 2.   This act is effective July 1, 1991.

2                               (END)