

Insurance Adjusters Licensing Rules

Insurance Adjusters Licensing Rules amended

1 *The Insurance Adjusters Licensing Rules, enacted by the Insurance Adjusters Council on March 21, 1995, under The Insurance Act, are amended by these rule amendments.*

Definitions

1 In these rules,

"Act" means *The Insurance Act*; (« Loi »)

"adjusting firm" means a sole proprietorship, partnership or corporation holding a Level 5 insurance adjuster's licence under these rules; (« cabinet d'experts d'assurance »)

"council" means the Insurance Adjusters Council established under the *Insurance Councils Regulation, Manitoba Regulation 227/91*; (« Conseil »)

"licence" means an insurance adjuster's licence or an assistant insurance adjuster's licence, as the case may require, issued by the council under these rules.
(« licence »)

Amended: Jan. 26/98; Oct. 12/99

Provisions of Act and rules to be observed

2 No holder of a licence shall carry on business as an insurance adjuster or an assistant insurance adjuster except in accordance with the provisions of the Act and these rules.

Amended: Jan. 26/98

Eligibility for assistant adjuster's licence - Level 1

3(1) An applicant for an assistant insurance adjuster's licence who

(a) is sponsored and employed by an adjusting firm; and

(b) takes and passes, with a mark of not less than 75%, a written qualifying examination set by the council;

is, subject to the Act, eligible for a Level 1 assistant insurance adjuster's licence.

Amended: Oct. 12/99

3(2) A licence issued under subsection (1) shall be cancelled upon the expiry of 18 months from its date of issue unless the holder of the licence takes and passes

(a) the Principles and Practice of Insurance course (C11), administered by the Insurance Institute of Canada; or

(b) two General Insurance Essentials courses (G. I. E.), administered by the Insurance Institute of Canada.

Amended: Oct. 12/99; Dec. 20/04

3(3) to 3(5) Repealed.

Amended: Oct. 12/99

Eligibility for assistant adjuster's licence – Level 2

3.1(1) The holder of a Level 1 assistant insurance adjuster's licence who fulfills the requirements of subsection 3(2) is eligible for a Level 2 assistant insurance adjuster's licence.

Amended: Oct. 12/99

3.1(2) A licence issued under subsection (1) shall be cancelled upon the expiry of three years from its date of issue unless the holder of the licence fulfills the requirements of subsection 4(1).

Amended: Oct. 12/99

Restrictions - Levels 1 and 2

3.2 The holder of a Level 1 or Level 2 assistant insurance adjuster's licence shall not sign reports or correspondence unless countersigned by the holder of a Level 4 insurance adjuster's licence.

Amended: Oct. 12/99

Eligibility for adjuster's licence - Level 3

4(1) An applicant for an insurance adjuster's licence who

(a) holds or is eligible to hold a Level 2 assistant insurance adjuster's licence;

(b) has taken and passed the following Insurance Institute of Canada courses:

(i) C11 - Principles and Practices of Insurance,

(ii) C12 - Insurance on Property,

(iii) C17 - Claims 1 or C110 – Essentials of Loss Adjusting,

(iv) any one of: C13 – Insurance Against Liability-Part I, C14 – Automotive Insurance-Part I, C111 – Advanced Loss Adjusting, or C112 – Practical Issues in Claims Management;

(c) has been employed as an insurance adjuster in a general insurance company or an adjusting firm for not less than two years; and

(d) is sponsored by an adjusting firm;

is, subject to subsection (2) and the Act, eligible for a Level 3 insurance adjuster's licence.

Amended: Oct. 12/99; Dec. 20/04

4(2) The holder of a licence issued under subsection (1) is prohibited from acting as the supervising manager of an adjusting firm.

4(3) Repealed.

Amended: Oct. 12/99

Eligibility for adjuster's licence - Level 4

4.1 An applicant for a Level 4 insurance adjuster's licence who

(a) holds or is eligible to hold a Level 3 insurance adjuster's licence;

(b) has taken and passed the following Insurance Institute of Canada courses:

- (i) C11 – Principles and Practices of Insurance,
- (ii) C12 – Insurance on Property,
- (iii) C13 - Insurance Against Liability-Part 1,
- (iv) C14 - Automobile Insurance-Part 1,
- (v) C17 – Claims I or C110 – Essentials of Loss Adjusting,
- (vi) C111 – Advanced Loss Adjusting,
- (vii) C112 – Practical Issues in Claims Management,
- (viii) C16 – The Business of Insurance,

(c) has been employed as an insurance adjuster in a general insurance company or an adjusting firm for not less than five years; and

(d) is sponsored by an adjusting firm;

is, subject to the Act, eligible for a Level 4 insurance adjuster's licence.

Amended: Oct. 12/99; Dec.20/04

Eligibility of adjusting firm for insurance adjuster's licence - Level 5

5(1) A sole proprietorship, partnership or corporation that applies for a Level 5 insurance adjuster's licence and that

(a) provides evidence of registration with the Companies Office of the Government of Manitoba;

(b) Repealed.

Amended: Dec. 1/08

(c) operates in an office separate from any financial institution or insurance company and holds the office out publicly as the office of an adjusting firm; and

(d) meets the requirements of subsection (2); is, subject to the Act, eligible for a Level 5 insurance adjuster's licence.

Amended: Oct. 12/99

5(2) In addition to meeting the requirements of subsection (1),

(a) a sole proprietorship wishing to obtain a Level 5 insurance adjuster's licence shall

(i) be operated by a sole proprietor who

(A) has attained a Chartered Insurance Professional designation in the Insurance Institute of Canada,

(B) holds a Level 4 insurance adjuster's licence, and

(C) provides on-site supervision at the sole proprietorship's office or at one of its offices where it has more than one,

(ii) designate the sole proprietor as its designated representative,

(iii) employ at least one insurance adjuster holding a Level 4 insurance adjuster's licence to provide on-site supervision at each office of the sole proprietorship other than the office supervised by the designated representative, and

(iv) provide the council with the name and current address of the designated representative and of each supervising insurance adjuster employed as provided for in subclause (iii);

b) a partnership wishing to obtain a Level 5 insurance adjuster's licence shall

(i) have at least one partner who

(A) has attained a Chartered Insurance Professional designation in the Insurance Institute of Canada,

(B) holds a Level 4 insurance adjuster's licence, and

(C) provides on-site supervision at the partnership's office or at one of its offices where it has more than one,

(ii) designate that partner as its designated representative,

(iii) employ at least one insurance adjuster holding a Level 4 insurance adjuster's licence to provide on-site supervision at each office of the partnership other than the office supervised by the designated representative, and

(iv) provide the council with the name and current address of the designated representative and of each

supervising insurance adjuster employed as provided for in subclause (iii); and

(c) a corporation wishing to obtain a Level 5 insurance adjuster's licence shall

(i) designate as its designated representative an employee or shareholder of the corporation who

(A) has attained a Chartered Insurance Professional designation in the Insurance Institute of Canada,

(B) holds a Level 4 insurance adjuster's licence, and

(C) provides on-site supervision at the corporation's office or at one of its offices where it has more than one,

(ii) employ at least one insurance adjuster holding a Level 4 insurance adjuster's licence to provide on-site supervision at each office of the corporation other than the office supervised by the designated representative, and

(iii) provide the council with the name and current address of the designated representative and of each supervising insurance adjuster employed as provided for in subclause (ii).

Amended: Oct. 12/99; Dec. 20/04; Dec. 1/08

5(3) The holder of a Level 5 insurance adjuster's licence shall inform the council without delay of any change

(a) of designated representative or designated representative's address; or

(b) of supervising insurance adjuster for the purposes of subclause (2)(a)(iii), (2)(b)(iii) or (2)(c)(ii), as may be applicable, or supervising insurance adjuster's address.

Amended: Oct. 12/99

Continuing education

5.1(1) Every holder of a Level 2, 3, or 4 licence and every designated representative of an adjusting firm

(a) is required to accumulate, in each year of the licence, the number of continuing education credit hours that the council may by resolution require; and

(b) when required by the council, shall without delay provide it with satisfactory evidence of the number of credit hours accumulated in the year.

Amended: July 1/01

5.1(2) The licence of any holder who fails to comply with subsection (1) shall not be renewed upon its expiry, but may be re-instated as soon as the holder accumulates the required number of credit hours.

Amended: July 1/01

5.1(3) Subject to subsection (4), a licence holder who

serves as an instructor in any of the continuing education courses approved by the council for the purposes of this section is entitled to two credit hours for each credit hour awarded to a participant in the course.

Amended: July 1/01; Dec. 7/01

5.1(4) A licence holder may satisfy his or her entire annual continuing education requirement for any licence year with credit hours earned under subsection (3) during that year.

Amended: July 1/01

5.1(5) Credit hours earned in any year under subsection (3) in excess of the required number may be carried forward to the next year, but a licence holder may not satisfy more than 50% of his or her annual continuing education requirement with hours earned in the previous licensing year.

Amended: July 1/01

5.1(6) The council shall approve in writing courses which qualify for continuing education credit and shall determine the number of credit hours allowed for the successful completion of each approved course.

Amended: July 1/01

5.1(7) Any request to the council for the approval of a course to be offered under this section shall be made at least 15 days in advance of the course's commencement, and the request shall be accompanied by a full outline of the course, including an indication of its duration and the date, length and moderator of each anticipated lecture.

Amended: July 1/01

Non-resident adjusters

6(1) An applicant who is a resident of a jurisdiction outside Manitoba is not eligible for a licence under section 3, 3.1, 4, 4.1 or 5, unless the applicant

(a) is licensed as an insurance adjuster in that jurisdiction and submits a certificate from the licensing authority of that jurisdiction confirming that fact and specifying the level and status of the licence;

(b) has demonstrated eligibility for the licence being applied for; and

(c) has satisfied all the requirements of the Act and these rules for the issue of the licence.

Amended: Jan. 26/98; Oct. 12/99

6(2) Repealed.

Amended: Oct. 12/99

6(3) The council may upon application issue a temporary insurance adjuster's licence to an applicant who is a resident of a jurisdiction outside Manitoba and is licensed as an insurance

adjuster in that jurisdiction

(a) in the event of a catastrophe or disaster in Manitoba requiring the use of insurance adjusters from other jurisdictions; and

(b) where the applicant obtains the temporary sponsorship of an adjusting firm holding a licence under section 5, and satisfies the requirements for the issue of a licence under subsection 4(1).

6(4) and 6(5) Repealed.

Amended: Jan. 26/98; Oct. 12/99

Transitional

7(1) A person holding an assistant insurance adjuster's licence on the day these rules come into force is deemed to have satisfied the requirements for and to be holding a licence under subsections 3(1), (2) and (3).

Amended: Jan. 26/98

7(2) A person holding an insurance adjuster's licence on the day these rules come into force is deemed to have satisfied the requirements for and to be holding a licence under section 4.

Amended: Jan. 26/98

Relicensing - Levels 2 to 4

8 Where the holder of a Level 2 assistant insurance adjuster's licence or a Level 3 or 4 insurance adjuster's licence who has not carried on business under the licence for a period of more than five years applies for a re-issuance of the licence, the applicant is eligible for a re-issuance of the licence only if the licence was originally issued to the applicant on the basis of his or her having met the requirements for the licence set out in the Act and these rules.

Amended: Jan. 26/98; Oct. 12/99

Failing to pass examinations

9 An applicant for a licence who fails to pass the Insurance Adjuster's Examination or other qualifying examination required to be eligible for the issue of the licence may at any time make two additional attempts to pass the examination, but he or she is not entitled to more than three examinations in any 12 month period.

Amended: Oct. 12/99

Licensing restrictions

10 Notwithstanding anything in these rules, the following persons are ineligible for a licence:

(a) any officer or employee of a bank, trust company, loan company, finance company, credit union or caisse populaire;

(b) any person who is in a position to offer inducement or use coercion or undue influence in order to control, direct or secure insurance business, unless the person satisfies the council that inducement, coercion or undue influence will not be used.

Amended: Jan. 26/98

Failure to meet licensing requirements

11 Where the combined educational qualifications and practical experience of an applicant for a licence do not meet the requirements for that licence under these rules, the council may issue a licence at such level as may be appropriate for the requirements that the applicant's qualifications and experience do meet and may make the issuance of the licence subject to the applicant taking and passing a qualifying examination set by the council.

Amended: Jan. 26/98; Oct. 12/99

Approval of superintendent

12 These rules are of no force or effect unless and until they are approved by the superintendent.

Amended: Jan. 26/98; Dec.20/04