

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1736 Session of 2009

INTRODUCED BY GODSHALL, BEYER, BOBACK, BRENNAN, CLYMER, MOUL, PASHINSKI, PICKETT, ROAE, SCHRODER, SWANGER AND J. TAYLOR, JUNE 17, 2009

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 23, 2010

AN ACT

1 Amending the act of December 20, 1983 (P.L.260, No.72), entitled
2 "An act providing for the licensing and regulating of public
3 adjusters and public adjuster solicitors," further providing
4 for violations; AND PROVIDING FOR CIVIL REMEDY. ←

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 7 of the act of December 20, 1983
8 (P.L.260, No.72), referred to as the Public Adjuster Licensing
9 Law, is amended to read:

10 Section 7. Violations.

11 [Any person, partnership, association or corporation ←
12 violating any of the provisions of this act shall be guilty of a
13 misdemeanor and, upon conviction thereof, shall be sentenced to ←
14 pay a fine of not less than \$500 nor more than \$1,000 for each
15 violation and conviction. Prosecution for any violation under
16 this section may be instituted by the Insurance Commissioner or
17 his duly authorized representative] ~~felony of the third degree.~~ ←

18 ANY PERSON, PARTNERSHIP, ASSOCIATION OR CORPORATION THAT

1 WILLFULLY VIOLATES SECTION 6(A) (1), (2), (3), (5), (6) OR (12)
2 OF THIS ACT, SHALL BE GUILTY OF A FELONY OF THE THIRD DEGREE. A
3 VIOLATION OF ANY OTHER PROVISION OF THIS ACT SHALL CONSTITUTE A
4 MISDEMEANOR AND, UPON CONVICTION THEREOF, A VIOLATOR SHALL BE
5 SENTENCED TO PAY A FINE OF NOT LESS THAN \$500 NOR MORE THAN
6 \$1000 FOR EACH VIOLATION AND CONVICTION. PROSECUTION FOR ANY
7 VIOLATION UNDER THIS SECTION IS AT THE DISCRETION OF THE
8 INSURANCE COMMISSIONER AND MAY BE INSTITUTED BY THE INSURANCE
9 COMMISSIONER OR HIS DULY AUTHORIZED REPRESENTATIVE.

10 SECTION 2. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
11 SECTION 7.1 CIVIL REMEDY.

12 A VIOLATION OF THIS ACT MAY ALSO BE A VIOLATION OF THE ACT OF
13 DECEMBER 17, 1968 (P.L.1224, NO.387), KNOWN AS THE UNFAIR TRADE
14 PRACTICES AND CONSUMER PROTECTION LAW.

15 Section 2 3. This act shall take effect in 60 days. ←