



DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

788 Fairview Drive, Suite 300
Carson City, Nevada 89701-5491
(775) 687-4270 • Fax (775) 687-3937
Website: doi.state.nv.us
E-mail: insinfo@doi.state.nv.us

Bulletin 10-001

February 19, 2010

NEVADA TO OFFER LICENSING OF NON-RESIDENT INDEPENDENT AND PUBLIC ADJUSTERS SUBSEQUENT TO *Reitz v. Kipper*, in his capacity as Nevada Commissioner of Insurance, 2009 U.S. Dist. Lexis 115947

On December 9, 2009, the United States District Court for the District of Nevada concluded in *Reitz v. Kipper* that the opportunity to obtain a license to work as an insurance adjuster in the state of Nevada is a fundamental privilege protected by the Privileges and Immunities Clause of the United States Constitution. The court, therefore, determined that the residency requirement delineated in Nevada Revised Statute (“NRS”) 684A.070(1)(b), and its waiver provisions delineated in NRS 684A.070(2)(a)-(c), violate the Privileges and Immunities Clause of the United States Constitution because they improperly discriminate against non-Nevada residents with respect to the ability to obtain an insurance adjuster license in Nevada.

As a result of the court’s decision in *Reitz v. Kipper*, the Nevada Division of Insurance (“Division”) will propose new statutory language during the 2011 Legislative Session reflecting the court’s decision. In the meantime, the Division will immediately begin reviewing and processing applications from non-residents for independent and public adjuster licenses, including those for non-resident adjuster firms and non-resident associate adjusters. As of the date of this Bulletin, the Division is not yet able to accept applications electronically. The Division is currently working with SIRCON and the National Insurance Producer Registry (“NIPR”) to allow for electronic filing by July 1, 2010. A subsequent bulletin will be issued when the electronic filing capability is available. In the meantime, the Division will accept applications using the NAIC Uniform Applications, which are available on the Division’s Web site at <http://doi.nv.gov>.

The licensing criteria for the new non-resident independent and public adjuster licenses are as follows:

- NAIC Uniform Application, Form No. 327, “Individual Application”
- \$195 application/licensing fee

- If the non-resident independent or public adjuster is affiliated to a business, an additional \$60 fee is required
- Non-resident applicants must be licensed in good standing in their home (resident) state; or
- Non-resident applicants, whose home state does not provide for licensure, who hold a “resident” license in a state other than their home state must be so licensed in good standing; or
- Non-resident applicants who are not licensed in any state must fulfill the same application/licensing requirements as those applying for a Nevada resident license as follows:
 - NAIC Uniform Application, Form No. 327, “Individual Application”
 - Passed Examination(s) from Pearson Vue
 - Fingerprint-Criminal Background Requirement, Form No. 324, “Criminal History Report Instruction for Residents”
 - \$195 Fee (plus \$60 if affiliated to a business)

Those applying for non-resident adjuster firm licenses must follow the same procedures as those applying for resident adjuster firm licenses. See NAIC Uniform Application, Form No. 325, “Business Entity Application”.

All non-resident licensees are reminded that they must make their records available for examination by the Nevada Commissioner of Insurance at all times, and must retain the records for at least 3 years. See NRS 684B.180.

Please direct any questions, to the Division’s Producer Licensing Section in Carson City, Nevada at (775) 687-4270 “option 1”, or in Las Vegas, Nevada at (702) 486-4595, or by using the Division’s toll free number at (800) 992-0900.


SCOTT J. KIPPER
Commissioner of Insurance