

**State of Utah**  
**Administrative Rule Analysis**  
Revised May 2026

**NOTICE OF SUBSTANTIVE CHANGE**

<b>TYPE OF FILING:</b> Amendment	<b>Filing ID: OFFICE USE ONLY</b>
<b>Rule or section number:</b>	<b>R590-274</b>
<b>Date of previous publication (only for CPRs):</b>	

**1. Agency Information**

<b>Title catchline:</b>	Insurance, Administration
<b>Building:</b>	Taylorsville State Office Building
<b>Street address:</b>	4315 S. 2700 W.
<b>City, state:</b>	Taylorsville, UT
<b>Mailing address:</b>	PO Box 146901
<b>City, state and zip:</b>	Salt Lake City, UT 84114-6901

**2. Contact Persons**

<b>Name:</b>	<b>Phone:</b>	<b>Email:</b>
Steve Gooch	801-957-9322	sgooch@utah.gov

Please address questions regarding information on this notice to the persons listed above.

**3. General Information**

<b>A. Rule or section catchline:</b>
R590-274. Submission and Required Disclosures of Public Adjuster Contracts
<b>B. Purpose of the new rule or reason for the change:</b>
The rule is being amended to incorporate changes made to the enabling statute by HB 58, passed during the 2026 General Session.
<b>C. Summary of the new rule or change:</b>
The change institutes several new requirements for public adjuster contracts that were contained in HB 58. These include requirements for filings made by a public adjuster with the Department; requirements for contracts that a public adjuster makes with a consumer, disclosures regarding a public adjuster's services, and disclosures regarding a public adjuster's compensation.

**4. Legislative Action Information**

<b>A. Are any changes in this filing because of state legislative action?</b>	Changes are because of legislative action.
<b>B. If yes, any bill number and session:</b>	HB 58 (2026 General Session)

**5. Fiscal Information**

<b>Provide an estimate and written explanation of the aggregate anticipated cost or savings to:</b>
<b>A. State budget:</b>
There is an aggregate cost to the state budget. Public adjusters are required to file their compliant contracts with the Department. These contracts will need to be reviewed by Department staff. There are 359 public adjusters licensed with the Department. Each adjuster has 1 contract currently on file with the Department. The hourly rate of Department staff who will be reviewing these contracts is \$40.31, and the average time to review a contract is expected to be 30. The aggregate anticipated cost to the state budget is (359 adjusters * 1 contract each) * (\$40.31 per hour * .5 hours per contract) which equals \$7,235.65.
<b>B. Local governments:</b>
There is no anticipated cost to local governments. This rule governs the relationship between the Department and its licensees and does not involve local governments in any way.
<b>C. Small businesses ("small business" means a business employing 1-49 persons):</b>

There is an aggregate cost to small businesses, but there is no way for the Department to estimate that cost. Most public adjuster firms are small businesses. These firms will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts. The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work.

**D. Non-small businesses** ("non-small business" means a business employing 50 or more persons):

There is an aggregate cost to non-small businesses, but there is no way for the Department to estimate that cost. Most public adjuster firms are small businesses, but there may be some that are non-small businesses. These firms will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts. The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work

**E. Persons other than small businesses, non-small businesses, state, or local government entities** ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

There is no anticipated cost to any other persons. This rule governs the relationship between the Department and its licensees and does not involve other persons in any way.

**F. Compliance costs for affected persons:**

There are no compliance costs for any affected persons. Affected public adjusters will need to create or make changes to their current contracts and file them with the Department. While there is no cost to file a contract, small businesses will incur some cost in doing the work to create or make changes to their contracts. The Department cannot estimate these costs because they vary from business to business and include business-specific factors that the Department cannot know. These include the time it will take to create or change a contract and the hourly rate or salary of the employee performing that work.

**6. Regulatory Impact Summary Table**

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

<b>Fiscal Cost</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$7,235.65	\$723.57	\$723.57	\$723.57	\$723.57
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Non-Small Businesses	inestimable	inestimable	inestimable	inestimable	inestimable
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
<b>Fiscal Benefits</b>	<b>FY2027</b>	<b>FY2028</b>	<b>FY2029</b>	<b>FY2030</b>	<b>FY2031</b>
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$(7,235.65)</b>	<b>\$(723.57)</b>	<b>\$(723.57)</b>	<b>\$(723.57)</b>	<b>\$(723.57)</b>

**7. Regulatory Impact Analysis Approval**

The Commissioner of the Insurance Department, Jonathan T. Pike, has reviewed and approved this regulatory impact analysis.

**8. Family Impact Information**

**A. The agency has considered this rule's impact on family health, stability, and formation:**

**B. Summary of reasonable alternatives or modifications:**

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**9. Citation Information**

Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Section 31A-26-401	Section 31A-26-403	

**10. Incorporation by Reference Information**

**Incorporation by Reference** (if this rule incorporates more than two items by reference, please include additional tables):

**A. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Issue Date</b>	
<b>Issue or Version</b>	

**B. This rule adds or updates the following title of material incorporated by reference** (a copy of the material incorporated by reference must be submitted to the Office of Administrative Rules. *If none, leave blank*):

<b>Official Title of Materials Incorporated (from title page)</b>	
<b>Publisher</b>	
<b>Issue Date</b>	
<b>Issue or Version</b>	

**11. Public Notice Information**

**The public may submit written or oral comments to the agency identified in box 1.**

**A. Comments will be accepted until:** 06/16/2026

**B. A public hearing (optional) will be held** (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):

<b>Date:</b>	<b>Time (hh:mm AM/PM):</b>	<b>Place (physical address or URL):</b>

**To the agency:** If more than one hearing is planned to take place, continue to add rows.

**12. Effective Date Information**

<b>This rule change MAY become effective on:</b> (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	06/23/2026
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**13. Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. The office may return incomplete forms to the agency, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

<b>Agency head or designee and title:</b>	Steve Gooch, Public Information Officer	<b>Date:</b>	05/01/2026
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**R590. Insurance, Administration.**

**R590-274. Submission and Required Disclosures of Public Adjuster Contracts.**

**R590-274-1. Authority.**

This rule is promulgated by the commissioner pursuant to Sections 31A-26-401 and 31A-26-403.

**R590-274-2. Purpose and Scope.**

- (1) The purpose of this rule is to:
  - (a) set forth procedures for a public adjuster to submit a required form filing to the commissioner; and
  - (b) provide notice requirements, information, and disclosures that must be included in ~~[an]~~ a public adjuster contract.
- (2) This rule applies to a ~~resident or nonresident public adjuster~~;
  - (a) resident public adjuster individual or organization; and
  - (b) nonresident public adjuster individual or organization.

### **R590-274-3. Definitions.**

Terms used in this rule are defined in Sections 31A-1-301 and 31A-19a-102. Additional terms are defined as follows:

- (1) "Certification" means a statement that a submitted filing is compliant.
- (2) "Compliant" means a filing that is complete and that complies with Title 31A, Insurance Code, and this rule.
- (3) "Electronic filing" means a filing submitted using an email system.
- (4) "File and use" means a filing is used, sold, or offered for sale after it is filed with the department.
- (5) "Filer" means a person who submits a filing.
- (6) "Filing objection letter" means a letter issued by the commissioner when a review determines the filing is not compliant and may require:
  - (a) correction of non-compliant items;
  - (b) clarification; or
  - (c) additional information pertaining to the filing.
- (7) "Form" has the same meaning as "contract" for the purposes of this rule.
- (8) "Order to prohibit use" means an order issued by the commissioner prohibiting the use of a filing.
- (9) "Rejected" means a filing is:
  - (a) not compliant;
  - (b) returned to the filer stating the reason for rejection; and
  - (c) not considered filed with the department.
- (10) "Utah filed date" means the date the department indicates a filing is accepted.

### **R590-274-4. General Filing Information.**

- (1)(a) A filing shall be accurate, consistent, complete, and contain all required documents.
- (b) The commissioner may request additional information, as necessary.
- (2) A filer is responsible for assuring that a filing is compliant.
- (3) A filing that is not ~~[compliant]~~ submitted correctly will be rejected and returned to the filer.
- (4) A rejected filing:
  - (a) is not considered filed;
  - (b) shall not be used;
  - (c) shall be submitted as a new filing; and
  - (d) may not be reopened for purposes of resubmission.
- (5) A prior filing will not be researched to determine the purpose of the current filing.
- (6) The department does not review every filing.
  - (a) A filing may be reviewed:
    - (i) when submitted;
    - (ii) when a complaint is received;
    - (iii) during a regulatory examination or investigation; or
    - (iv) when the commissioner considers a review necessary.
  - (b) If a filing is reviewed and is found not complaint, the commissioner:
    - (i) shall issue a filing objection letter or an order to prohibit use; and
    - (ii) may require an insurer to disclose deficiencies in a form or rating practice to each affected consumer.
- (7) ~~[Correcting a Filing.]~~
  - (a) A correction to a filing in a review status may be made at any time.
  - (b) A correction to a filing in a closed status:
    - (i) may not be made;
    - (ii) requires a new filing; and
    - (iii) shall reference the original filing in the filing description of the new filing.
- (8) ~~[Response to a Filing Objection Letter.]~~ A response to a filing objection letter shall include:
  - (a) an explanation identifying each change;
  - (b) an underline and strikeout version of each revised document; and
  - (c) a final version of each revised document incorporating all changes.
- (9) ~~[Response to an Order to Prohibit Use.]~~
  - (a) An order to prohibit use becomes final 15 days after the date of the order.
  - (b) Use of a filing shall be discontinued no later than the date specified in the order.
  - (c) To contest an order to prohibit use, a written request for a hearing shall be submitted no later than 15 days after the date of the order.

(d) A new filing is required if the filer chooses to make the requested changes addressed in the filing objection letter, and shall reference the previously prohibited filing.

(10) A filer shall notify the department when withdrawing a previously filed form.

(11) A filing that is withdrawn may not be used.

#### **R590-274-5. Filing Requirements.**

~~(1) [Forms in General]~~

~~(a)~~ A form is a file and use filing.

(b) A form shall be submitted in PDF format.

~~(c) [A form shall be identified by a unique form number that may not be variable.]~~

~~(d)~~ A form shall be in final printed form and may not be submitted as a draft.

~~(e)~~ (d) Blank spaces within a form shall be ~~completed to~~ labeled accurately to represent ~~the~~ purpose and use.

(2) A filing shall be submitted as an electronic filing via email at [pcforms@utah.gov](mailto:pcforms@utah.gov).

(3) A complete filing shall contain the following information, in the sequence listed.

(a) The title of the email shall display the ~~[company name only]~~ individual public adjuster or the public adjuster organization's name and that it is a public adjuster contract filing.

(b) The filer shall certify that a filing is complete and compliant.

(i) To certify, the following statement shall be included in the email: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R590-274 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES."

(ii) A filing may be rejected if the certification is false, missing, or incomplete.

(iii) A false certification may subject the licensee to administrative action.

(c) Provide a description of the filing, including:

(i) the intent of the filing; and

(ii) the purpose of each document within the filing.

(d) Indicate if the filing:

(i) is new; or

(ii) is replacing or modifying a previous filing, describing the changes made, the reasons for the previous rejection, and the previous filing's Utah filed date.

(e) Identify any provision that is unusual, innovative, controversial, or that was previously objected to or prohibited, and explain why the provision is included in the filing.

(f) If the filing is being made on behalf of a resident or nonresident public adjuster organization, the email shall list each public adjuster individual conducting business on behalf of the public adjuster organization, including:

(i) name;

(ii) contact information; and

(iii) license number.

#### **R590-274-6. General Contract Requirements.**

(1)(a) A contract shall contain the following:

~~(a)~~ (i) the name of the ~~[company]~~ public adjuster or the public adjuster organization that employs the public adjuster;

~~(b)~~ (ii) the mailing and physical addresses of the public adjuster's or the public adjuster organization's principal place of business;

~~(c)~~ (iii) the public adjuster's or public adjuster organization's telephone and fax numbers;

~~(d)~~ (iv) the license number of the public adjuster or public adjuster organization and the employer;

~~(e)~~ (v) the public adjuster's or public adjuster organization's email address;

~~(f)~~ (vi) the public adjuster's or public adjuster organization's website, if applicable;

~~(g)~~ (vii) the date and time the contract was signed ~~[and, if applicable, the service of process address for a nonresident public adjuster];~~

~~(h)~~ (viii) a general description of services the public adjuster will provide under the contract;

~~(i)~~ (ix) a description of the claim, property damage, location, and event;

~~(j) if based on an hourly rate, a provision that the public adjuster shall provide an invoice for services that includes a detailed listing of service provided and separate costs payable to the public adjuster as part of any commission based on the claim settlement, including expenses, direct costs, and any other accrued costs; and] (x) a unique identifying form number at the bottom of each page of the contract, including the month and the year the contract is filed following the unique identifying form number;~~

~~(k)~~ (xi) any term or condition that applies to the contract; and

~~(l)~~ (xii) the contract disclosures in Section R590-274-7.

(b) If the public adjuster or the public adjuster organization is a nonresident licensee, the contract shall also include the service of process address of the public adjuster or the public adjuster organization.

(2) A contract may not contain a term or condition that limits or nullifies any law.

(3) A signed copy of the contract shall be provided to the insured at the time of signing.

#### **R590-274-7. Required Disclosures Regarding a Public Adjuster's Services.**

(1) The following ~~[separate disclosures shall be located on the signature page of the contract]~~ disclosure shall be on the first page of a contract at the top of the page in no smaller than 12-point boldface type: "[

~~(a) "WE REPRESENT THE INSURED ONLY";~~

~~(b) "THIS CONTRACT MAY BE RESCINDED IN WRITING WITHIN 10 DAYS OF ENTERING INTO THE CONTRACT"; and~~

~~(c) "YOU ARE ENTERING INTO A CONTRACT OF SERVICE. YOU ARE BEING CHARGED A FEE FOR THIS SERVICE. YOU DO NOT HAVE TO ENTER INTO THIS CONTRACT TO MAKE A CLAIM FOR LOSS OR DAMAGE ON A POLICY OF INSURANCE. YOU WILL BE CHARGED A FEE FOR THE PUBLIC ADJUSTER'S SERVICES."~~

(2) A contract shall ~~[contain the following statements in substantially the following form:]~~ include a separate page that contains the following statements.

~~(a) [A]The public adjuster you hire may not [participate directly or indirectly in the reconstruction, repair, or restoration of damaged property, or engage in any other activities that may reasonably be construed as presenting a conflict of interest, including soliciting or accepting any remuneration from, or having a financial interest in, any salvage firm, construction firm, repair firm, or other firm that obtains business in connection with any claim the public insurance adjuster has a contract or agreement to adjust]be paid to repair your damaged property, nor may the public adjuster receive a finder's fee from, or have a financial interest in, the company that does the repair work.~~

~~(b) A public adjuster may not act on behalf of an attorney by having you sign an attorney representation agreement.~~

~~(c) A public adjuster [cannot]may not require you to sign a power of attorney.~~

~~(d) A public adjuster [cannot]may not require you to refuse to [work with your insurer.~~

~~(e) Your insurance policy requires you to]cooperate with your insurer to settle your claim.~~

~~[(f) IMPORTANT NOTICE:](e) You may contact the Utah Insurance Department to verify that the public adjuster is licensed to do business in Utah, what your rights are as a consumer, or for information about filing a complaint, by calling 801-957-9305 or toll free at 800-439-3805, or by visiting the department's website, <https://insurance.utah.gov>.~~

~~[(g) A public adjuster may not enter into a contract with an insured and collect compensation as provided in the contract without actually performing the service customarily provided by a licensed public adjuster for the insured.~~

~~(3)(a) A public adjuster shall contain the following compensation disclosures in a clear and prominent statement:~~

~~(i) if an hourly rate, the contract shall state the hourly rate and how it will be applied to hours of service provided by the public adjuster to calculate the amount payable;~~

~~(ii) if a flat fee, the contract shall state the amount payable to the public adjuster;~~

~~(iii) if a percentage, the contract shall state the exact percentage that will be applied to the settlement of the claim to calculate the amount payable to the public insurance adjuster; or~~

~~(iv) if another method of calculation is chosen, the contract shall include a detailed explanation of how the amount payable will be determined based on service provided by the public adjuster.~~

~~(b) A public adjuster may not receive compensation for referring the insured to a particular attorney, appraiser, umpire, construction company, contractor, repair firm, or salvage company.~~

~~(c) A public adjuster may not receive compensation for a claim if the insurer pays or commits in writing to pay the policy limits within 72 hours of the loss report.~~

~~(d)(i) Except for direct payment of compensation by the insured, any draft or check shall include the insured as a payee and shall require the written signature or endorsement of the insured.~~

~~(ii) A public adjuster may not sign or endorse any payment draft or check on behalf of the insured.~~

~~(e) A public adjuster may not enter into a contract with an insured or collect compensation as provided in the contract without performing the service customarily provided by a licensed public adjuster for the insured.]~~

~~(f) A public adjuster may not offer to pay an insured's deductible.~~

~~(g) A public adjuster may not assert that the insurer will waive the insured's deductible.~~

~~(h) A public adjuster may not offer to conduct a free inspection of property other than property that is the subject of an insured's claim;~~

~~(i) After being hired, a public adjuster may not sell you home repair, disaster clean up, or appraising services.~~

~~(j) If the contract is rescinded, the public adjuster must return anything of value to the claimant within 15 days.~~

~~(3) Immediately below the statements in Subsection (2), the following shall be set forth:~~

~~(a) the statement: "I acknowledge that I have read and understand the statements listed above"; and~~

~~(b) a date line and signature line for the insured.~~

#### **R590-274-8. Required Disclosures Regarding a Public Adjuster's Compensation.**

(1)(a) A public adjuster contract shall contain one of the following compensation disclosures in a clear and prominent statement:

(i) if an hourly rate, the contract shall state the hourly rate and how it will be applied to hours of service provided by the public adjuster to calculate the amount payable;

(ii) if a flat fee, the contract shall state the amount payable to the public adjuster;

(iii) if a percentage, the contract:

(A) shall state and display the exact percentage that will be applied to the settlement of the claim to calculate the amount payable to the public adjuster; and

(B) may not display a blank space; or

(iv) if another method of calculation is chosen, the contract shall include a detailed explanation of how the amount payable will be determined based on service provided by the adjuster.

(b) Notwithstanding the chosen payment method, a public adjuster may not:

(i) charge, agree to, or accept as compensation or reimbursement, a payment, commission, fee, or other thing of value equal to more than:

(A) 10% for a catastrophic insurance claim settlement; or

(B) 20% for a non-catastrophic insurance claim settlement; or

(ii) require, demand, or accept a fee, retainer, compensation, deposit, or other thing of value before the settlement of a claim.

(c) Notwithstanding the chosen payment method, a public adjuster shall provide to the insured, at the conclusion of a claim, an itemized invoice of each expense the public adjuster incurs during the process of resolving a claim.

(2) The following disclosures shall be included on the same page as the disclosures required in Subsection (1).

(a) A public adjuster may not receive compensation for referring the insured to a particular attorney, appraiser, umpire, construction company, contractor, repair firm, or salvage company.

(b) A public adjuster may not receive compensation for a claim if the insurer pays or commits in writing to pay the policy limits within 72 hours of the loss report.

(c)(i) Except for direct payment of compensation by the insured, any draft or check shall include the insured as a payee and shall require the written signature or endorsement of the insured.

(ii) A public adjuster may not sign or endorse any payment draft or check on behalf of the insured.

(d) A public adjuster may not enter into a contract with an insured or collect compensation as provided in the contract without performing the service customarily provided by a licensed public adjuster for the insured.

(e) The type of initial expenses, with dollar estimates, that the insured approves to reimburse the public adjuster from the proceeds of the claim payment.

(3) A public adjuster contract may not include the following compensation terms:

(a) a term allowing a public adjuster to collect the public adjuster's percentage fee when money is due from an insurance company but the insurance company has not paid;

(b) a term allowing a public adjuster to collect the entire fee from the first check an insurance company issues instead of a percentage of each check the insurance company issues;

(c) a term requiring an insured to authorize an insurance company to issue a check only in the name of the public adjuster;

(d) a term imposing a collection cost or a late fee;

(e) a term preventing an insured from pursuing a civil remedy; or

(f) a term that allows a public adjuster to accept a payment in violation of a statute or this rule.

#### **R590-274-[8]9. Severability.**

If any provision of this rule, Rule R590-274, or its application to any person or situation is held invalid, such invalidity does not affect any other provision or application of this rule that can be given effect without the invalid provision or application. The remainder of this rule shall be given effect without the invalid provision or application.

**KEY: insurance, public adjusters**

**Date of Last Change: 2026[July 25, 2023]**

**Notice of Continuation: August 22, 2022**

**Authorizing, and Implemented or Interpreted Law: 31A-26-401; 31A-26-403**

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