

Nebraska Public Adjuster Examination
Series 13-10
100 questions (plus 5 unscored items)
2-hour time limit

1.0 Insurance Regulation **20%**

1.1 Licensing

Qualifications (44-9204, 44-9205)

Business Entity (44-9207)

Non Resident (44-9206)

Bond (44-9212)

Conflict of Interest (44-9217)

Examination (44-9208)

1.2 Maintenance and duration

Renewal (44-9210)

Contract requirements (44-9214)

Reporting Requirements (44-9210(3))

Continuing education requirements including ethics education (44-9213)

Fiduciary Account (44-9215)

Public Adjuster Fee/Compensation (44-9218)

Record Retention Requirements (44-9216)

1.3 Disciplinary actions

Suspension, revocation or refusal to issue or renew (44-9211(1))

Administrative Fine (44-9211(4))

Unfair Trade Practice (44-1529, 44-1541, 44-1542)

1.4 Claim settlement laws and regulations

1.5 State regulation

Unfair trade practices (44-1525)

Unfair Claims Settlement Practices (44-1539, 1540, Chapter 60, Nebraska Administrative Code)

Examination of books and records (44-5904, 44-9216)

2.0 Insurance Basics **5%**

2.1 Contract basics

Elements of a legal contract

Offer and acceptance

Consideration

Competent parties

Legal purpose

Distinct characteristics of an insurance contract

Contract of adhesion

Aleatory contract

Personal contract

Conditional contract

Legal interpretations affecting contracts

Ambiguities in a contract of adhesion

- Reasonable expectations
- Indemnity
- Utmost good faith
- Representations/misrepresentations
- Warranties
- Concealment
- Fraud
- Waiver and estoppel

2.2 Insurance principles and concepts

- Insurable interest
- Direct loss
- Basic types of construction
- Loss valuation
 - Actual cash value
 - Replacement cost
 - Functional replacement cost
 - Market value
 - Agreed value
 - Stated amount
 - Valued policy

2.3 Policy structure

- Declarations
- Definitions
- Insuring agreement or clause
- Additional/supplementary coverage
- Conditions
- Exclusions
- Endorsements

2.4 Common policy provisions

- Policy period
- Policy territory
- Cancellation and nonrenewal
- Deductibles
- Other insurance
 - Nonconcurrency
 - Primary and excess
 - Pro rata
- Policy limits
- Restoration/nonreduction of limits
- Coinsurance
- Vacancy or unoccupancy
- Assignment
- Liberalization
- Third-party provisions
 - Standard mortgage clause
 - Loss payable clause

2.5 Nebraska laws, regulations and required provisions

Insurers Insolvency Fund (44-2401 to 44-2418)
Nebraska standard fire policy (44-501)
Concealment, misrepresentation or fraud (44-358, 44-393)
Federal Terrorism Insurance Program (15 USC 6701; Public Law 107-297, 109-144, 110-160)

3.0 Adjusting Losses **15%**

- 3.1 Role of the adjuster
 - Duties and responsibilities
 - Independent adjuster versus public adjuster
 - Relationship to the legal profession
- 3.2 Property losses
 - Duties of insured after a loss
 - Notice to insurer
 - Minimizing the loss
 - Proof of loss
 - Special requirements
 - Production of books and records
 - Abandonment
 - Determining value and loss
 - Burden of proof of value and loss
 - Estimates
 - Depreciation
 - Salvage
 - Claim settlement options
 - Payment and discharge
- 3.3 Claims adjustment procedures
 - Subrogation procedures

4.0 Dwelling Policy **15%**

- 4.1 Characteristics and purpose
- 4.2 Coverage forms — Perils insured against
 - Basic
 - Broad
 - Special
- 4.3 Property coverages
 - Coverage A — Dwelling
 - Coverage B — Other structures
 - Coverage C — Personal property
 - Coverage D — Fair rental value
 - Coverage E — Additional living expense
 - Other coverages
- 4.4 General exclusions
- 4.5 Conditions
- 4.6 Selected endorsements
 - Special provisions — Nebraska (DP 01 26)
 - Automatic increase in insurance (DP 04 11)

Broad theft coverage (DP 04 72)
Dwelling under construction (DP 11 43)

5.0 Homeowners Policy

15%

5.1 Coverage forms

HO-2 through HO-6

5.2 Definitions

5.3 Section I — Property coverages

Coverage A — Dwelling

Coverage B — Other structures

Coverage C — Personal property

Coverage D — Loss of use

Additional coverages

5.4 Perils insured against

5.5 Exclusions

5.6 Conditions

5.7 Selected endorsements

Special provisions — Nebraska (HO 01 26)

Limited fungi, wet or dry rot, or bacteria coverage (HO 04 26, HO 04 27)

Permitted incidental occupancies — residence premises (HO 04 42)

Earthquake (HO 04 54)

Scheduled personal property (HO 04 61)

Personal property replacement cost (HO 04 90)

Home day care (HO 04 97)

6.0 Commercial Package Policy (CPP)

14%

6.1 Components of a commercial policy

Common policy declarations

Common policy conditions

Interline endorsements

One or more coverage parts

6.2 Commercial property

Commercial property conditions form

Coverage forms

Building and personal property

Condominium association

Condominium commercial unit-owners

Builders risk

Business income

Extra expense

Cause of loss forms

Basic

Broad

Special

Selected endorsements

Ordinance or law coverage (CP 04 05)

Spoilage coverage (CP 04 40)

- Peak season limit of insurance (CP 12 30)
- Earthquake and volcanic eruption (CP 10 40)
- Flood coverage (CP 10 65)
- Value reporting form (CP 13 10)

6.3 Commercial inland marine

- Nationwide marine definition (Reg 211 CMR 10.00)
- Commercial inland marine conditions form
- Inland marine coverage forms
 - Accounts receivable
 - Contractors equipment floater
 - Electronic data processing
 - Equipment dealers
 - Installation floater
 - Signs
 - Valuable papers and records

6.4 Equipment breakdown

- Equipment breakdown protection coverage form (EB 00 20)
- Selected endorsement
 - Actual cash value (EB 99 59)

7.0 Businessowners Policy

15%

7.1 Characteristics and purpose

7.2 Businessowners Section I — Property

- Coverage
- Exclusions
- Limits of insurance
- Deductibles
- Loss conditions
- General conditions
- Optional coverages
- Definitions

7.3 Businessowners Section III — Common Policy Conditions

7.4 Selected endorsements

- Protective safeguards (BP 04 30)
- Utility services — direct damage (BP 04 56)
- Utility services — time element (BP 04 57)

8.0 Other Coverages and Options

1%

8.1 National Flood Insurance Program

- "Write your own" versus government
- Eligibility
- Coverages
- Limits
- Deductibles