

Senate Engrossed

reviser's technical corrections; 2021.

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 401

SENATE BILL 1850

AN ACT

AMENDING SECTION 20-321.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2014, CHAPTER 25, SECTION 3; REPEALING SECTION 20-321.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2020, CHAPTER 67, SECTION 2; REPEALING SECTION 20-321.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 5, SECTION 6; REPEALING LAWS 2021, CHAPTER 172, SECTION 1; AMENDING SECTION 36-3201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 72, SECTION 1; REPEALING SECTION 36-3201, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 314, SECTION 1; RELATING TO MULTIPLE, DEFECTIVE AND CONFLICTING LEGISLATIVE DISPOSITIONS OF STATUTORY TEXT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Purpose

3 1. Section 20-321.01, Arizona Revised Statutes, was amended by Laws
4 2020, chapter 67, section 2 and Laws 2021, chapter 5, section 6. However,
5 these versions did not reflect the previous valid version of the section.
6 In order to comply with article IV, part 2, section 14, Constitution of
7 Arizona, this act amends section 20-321.01, Arizona Revised Statutes, as
8 amended by Laws 2014, chapter 25, section 3, to incorporate the amendments
9 made by Laws 2020, chapter 67 and Laws 2021, chapter 5 and repeals the
10 Laws 2020, chapter 67 and Laws 2021, chapter 5 versions.

11 2. Section 22-248, Arizona Revised Statutes, was added by Laws
12 2021, chapter 172, section 1. However, Laws 2021, chapter 172 did not
13 contain the amendments made by the house of representatives on February
14 24, 2021 and failed to strike section 22-248, Arizona Revised Statutes, as
15 added by house bill 2579, from the bill. To prevent a potentially
16 defective enactment, this act repeals section 22-248, Arizona Revised
17 Statutes, as added by Laws 2021, chapter 172, section 1.

18 3. Section 36-3201, Arizona Revised Statutes, was amended by Laws
19 2019, chapter 72, section 1 and chapter 314, section 1. The chapter 314
20 version could not be blended because of the delayed effective date. In
21 order to combine these versions, this act amends the Laws 2019, chapter 72
22 version of section 36-3201, Arizona Revised Statutes, to incorporate the
23 amendments made by Laws 2019, chapter 314 and repeals the chapter 314
24 version.

25 Sec. 2. Section 20-321.01, Arizona Revised Statutes, as amended by
26 Laws 2014, chapter 25, section 3, is amended to read:

27 20-321.01. Licensing of adjusters; qualifications; exemption

28 A. A person shall not act as or claim to be an adjuster unless the
29 person is licensed under this article.

30 B. To obtain a license as an adjuster a person shall apply to the
31 director for the license and use the forms prescribed and provided by the
32 director. The director shall issue the license to qualified persons on
33 payment of the license fee prescribed in section 20-167.

34 C. To be licensed as an adjuster the applicant shall meet all of
35 the following qualifications:

36 1. Be a person who is at least eighteen years of age.

37 2. Be a resident of this state, or a resident of another state
38 that allows residents of this state to act as adjusters in the other
39 state.

40 3. Take and pass an examination that is given by or under the
41 supervision of the director and that reasonably tests the applicant's
42 knowledge of insurance and legal responsibilities as an adjuster and
43 otherwise comply with section 20-321.02. NOTWITHSTANDING SUBSECTION D OF
44 THIS SECTION, THE REQUIREMENTS UNDER THIS PARAGRAPH AND PARAGRAPH 2 OF
45 THIS SUBSECTION ARE WAIVED IF THE APPLICANT HOLDS A CURRENT CLAIMS

1 CERTIFICATE ISSUED BY A NATIONAL OR STATE-BASED CLAIMS ASSOCIATION WITH A
2 CERTIFICATION PROGRAM THAT IS APPROVED BY THE DIRECTOR AND THAT CONSISTS
3 OF AT LEAST FORTY HOURS OF PREEXAMINATION COURSE WORK, A PROCTORED
4 EXAMINATION OF SUFFICIENT LENGTH TO ADEQUATELY DETERMINE THE COMPETENCY OF
5 THE APPLICANT AND AT LEAST TWENTY-FOUR HOURS OF CONTINUING EDUCATION
6 REQUIRED FOR CERTIFICATION RENEWALS ON A BIENNIAL BASIS.

7 D. An adjuster who is licensed or ~~permitted~~ ALLOWED to act as an
8 adjuster in the state of the adjuster's domicile is not required to be
9 licensed pursuant to this section or meet the qualifications prescribed in
10 this section if the adjuster is sent to this state on behalf of an insurer
11 for the purpose of investigating or making adjustment of a particular loss
12 under an insurance policy or a series of losses resulting from a
13 catastrophe common to all those losses.

14 E. To determine license eligibility, the director may require
15 fingerprints of applicants and the submission of the fee and the
16 fingerprints as required by section 20-285, subsection E, paragraph 2.

17 F. The director may contract with nongovernmental entities to
18 perform any ministerial functions, including collection of fees and data
19 related to licensing, that the director deems appropriate.

20 G. A resident of Canada may apply for a license that grants the
21 applicant the authority only to adjust portable electronics insurance
22 claims in this state if the person has obtained an adjuster license in
23 another state that ~~permits~~ ALLOWS that person to adjust portable
24 electronics insurance claims in that state. A Canadian resident who
25 qualifies for licensure as an adjuster under this subsection is not
26 subject to section 25-320, subsection P.

27 H. An applicant who resides in a state that does not issue licenses
28 to adjusters and who is otherwise ~~permitted~~ ALLOWED to adjust portable
29 electronics insurance claims in the applicant's resident state may apply
30 for a license that grants the applicant the authority only to adjust
31 portable electronics insurance claims in this state.

32 Sec. 3. Repeal

33 Section 20-321.01, Arizona Revised Statutes, as amended by Laws
34 2020, chapter 67, section 2, and section 20-321.01, Arizona Revised
35 Statutes, as amended by Laws 2021, chapter 5, section 6, are repealed.

36 Sec. 4. Repeal

37 Laws 2021, chapter 172, section 1 is repealed.

38 Sec. 5. Section 36-3201, Arizona Revised Statutes, as amended by
39 Laws 2019, chapter 72, section 1, is amended to read:

40 36-3201. Definitions

41 In this chapter, unless the context otherwise requires:

42 1. "Agent" means an adult who has the authority to make health care
43 treatment decisions for another person, referred to as the principal,
44 pursuant to a health care power of attorney.

1 2. "Artificially administered" means providing food or fluid
2 through a medically invasive procedure.

3 3. "Attending physician" means a physician who has the primary
4 responsibility for a principal's health care.

5 4. "Comfort care" means treatment given in an attempt to protect
6 and enhance the quality of life without artificially prolonging that life.

7 5. "Health care directive" means a document drafted in substantial
8 compliance with this chapter, including a mental health care power of
9 attorney, to deal with a person's future health care decisions.

10 6. "Health care power of attorney" means a written designation of
11 an agent to make health care decisions that meets the requirements of
12 section 36-3221 and that comes into effect and is durable as provided in
13 section 36-3223, subsection A.

14 7. "Health care provider" means a natural person who is licensed
15 under title 32, chapter 11, 13, 15, 17 or 25, a hospice as defined in
16 section 36-401 that is licensed under chapter 4 of this title or an
17 organization that is licensed under this title, that renders health care
18 designed to prevent, diagnose or treat illness or injury and that employs
19 persons licensed under title 32, chapter 11, 13, 15, 17 or 25.

20 8. "Inpatient psychiatric facility" means a hospital that
21 contains an organized psychiatric services unit or a special hospital that
22 is licensed to provide psychiatric services.

23 9. "Interested person" means the patient, a person listed under
24 section 36-3231, subsection A, a health care provider directly involved in
25 the patient's medical care or an employee of a health care provider.

26 10. "Living will" means a statement written either by a person who
27 has not written a health care power of attorney or by the principal as an
28 attachment to a health care power of attorney and intended to guide or
29 control the health care treatment decisions that can be made on that
30 person's behalf.

31 11. "Mental health care power of attorney" means a written
32 designation of an agency to make mental health care decisions that meets
33 the requirements of section 36-3281.

34 12. "Physician" means a doctor of medicine licensed pursuant to
35 title 32, chapter 13 or doctor of osteopathic medicine licensed pursuant
36 to title 32, chapter 17.

37 13. "Principal" means a person who is the subject of a health care
38 power of attorney.

39 14. "QUALIFYING HEALTH INFORMATION EXCHANGE ORGANIZATION" MEANS A
40 NONPROFIT HEALTH INFORMATION ORGANIZATION AS DEFINED IN SECTION 36-3801
41 THAT IS DESIGNATED BY THE DEPARTMENT OF HEALTH SERVICES PURSUANT TO
42 SECTION 36-3291 TO OPERATE THE HEALTH CARE DIRECTIVES REGISTRY.

43 ~~14.~~ 15. "Surrogate" means a person authorized to make health care
44 decisions for a patient by a power of attorney, a court order or the
45 provisions of section 36-3231.

1 Sec. 6. Repeal
2 Section 36-3201, Arizona Revised Statutes, as amended by Laws 2019,
3 chapter 314, section 1, is repealed.
4 Sec. 7. Retroactivity
5 A. Sections 2 and 3 of this act apply retroactively to from and
6 after August 24, 2020.
7 B. Sections 5 and 6 of this act apply retroactively to from and
8 after December 31, 2020.

APPROVED BY THE GOVERNOR JUNE 30, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JUNE 30, 2021.