

**The Non-Life Insurance Act (No. 4), B.E. 2562 (2019)**  
**Given by H.M. King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua**  
**On 24 May 2019,**  
**Being the fourth year of the present reign**

H.M. King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on non-life insurance.

This Act has certain provisions regarding the limitation of a person's rights and freedom, which is permitted under section 26, section 33, section 34, section 37, and section 40, of the Constitution of the Kingdom of Thailand, by virtue of statutory provisions.

The reason for, and the necessity of, the limitation of a person's rights and freedom is to govern the operation of the insurance business, particularly where loss adjusters, non-life insurance agents, and non-life insurance brokers are involved, and ensure its efficiency, which will support the country's economic stability and prevent any potential damage on the public. This Act is enacted in agreement with the conditions prescribed in section 26 of the Constitution of the Kingdom of Thailand.

Be it, therefore, enacted by the King, with the advice and consent of the National Legislative Assembly acting as the Parliament, as follows.

Section 1        This Act is called the "Non-life Insurance Act (No. 4), B.E. 2562 (2019)."

Section 2        This Act will take effect following the 180-day period after the date of its issuance in the *Government Gazette*.

Section 3        The following provision will be added as section 4/1 of the Non-life Insurance Act, B.E. 2535 (1992).

"Section 4/1     Any action taken under this Act and performed via an electronic method, partially or wholly, must comply with electronic transaction laws and relevant laws, if there is no specific practice prescribed by the Commission for companies, loss adjusters, non-life insurance agents, non-life insurance brokers, actuaries, or other relevant persons, to follow."

Section 4        The second paragraph of section 30/1 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed.

Section 5        The provisions of section 35/2, section 35/3, section 35/4, section 35/5, section 35/6, section 35/7, section 35/8, and section 35/9, of the Non-life Insurance Act, B.E. 2535 (1992), which are amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed and superseded by the following provisions.

"Section 35/2    To be a loss adjuster, a person must obtain a license from the registrar.

To apply, and be approved, for the license, the applicant must comply with the rules, procedures, and conditions prescribed by the Commission.

Section 35/3    The applicant for the loss adjuster license must:

(1) have the following qualifications:

- A) be a juristic person, as prescribed by the Commission;
- B) have its head office or a branch office in Thailand;
- C) have an objective of engaging in the business of loss adjuster; and
- D) have casualty inspectors and loss adjusters with knowledge, expertise, and experience, in casualty assessment in accordance with the rules prescribed by the Commission; and

(2) have none of the following prohibited characteristics:

- A) have been suspended from using a loss adjuster license;
- B) have had a loss adjuster license revoked in the previous five years up to the date of its application submission for a loss adjuster license;
- C) have direct or indirect interest in the shareholding or administration of the company, as prescribed by the Commission; or
- D) have a history of improper conduct, or a history of a lack of responsibility, as prescribed by the Commission.

Section 35/4 The loss adjuster license is valid for five years from its date of issuance.

The licensed loss adjuster must submit its application for the renewal of its license within two months before the date of expiration. After the application has been submitted, the applicant may continue acting as a loss adjuster until it is prohibited.

To apply, and be approved, for the renewal of the license, the applicant must comply with the rules, procedures, and conditions prescribed by the Commission.

Section 35/5 If a casualty in accordance with the type and amount of insurance coverage prescribed by the Commission under section 35/1 occurs, the parties to the insurance policy will select a loss adjuster to inspect and assess the casualty loss for which the company must compensate.

The company will bear the costs of the inspection and assessment of the casualty loss set out in the first paragraph.

If the parties to the insurance policy are unable to agree on a loss adjuster set out in the first paragraph, each party must select its own loss adjuster to inspect and assess the casualty loss, and bear the costs of the inspection and assessment on its part.

The inspection and assessment of the casualty loss must comply with the rules, procedures, and conditions prescribed by the Commission.

Section 35/6 The loss adjuster must be ready for its business operation; must appoint or assign a person with relevant knowledge or experience, and with no history of improper conduct, or history of a lack of responsibility regarding the inspection and assessment of casualty losses, to be in charge of the inspection and assessment of casualty losses; and must have a system in place to govern their performance of duties, in accordance with the regulations implemented by the Commission.

The loss adjuster must ensure that the inspection and assessment of a casualty loss conducted by its officer, employee, or a person appointed or assigned by the loss adjuster, strictly complies with the rules, procedures, and conditions implemented by the Commission in paragraph 4 of section 35/5. The loss adjuster must also be responsible for the work performed by those persons.

Section 35/7 If it becomes apparent to the registrar that any loss adjuster violates, or fails to comply with, the regulation issued by the Commission in paragraph 4 of section 35/5, or section 35/6,

the registrar has the power to order the loss adjuster to act, refrain from acting, or correct the act within the specified timeframe.

If the loss adjuster fails to act, refrain from acting, or correct the act within the timeframe specified by the registrar in the first paragraph, the registrar has the power to suspend the loss adjuster license until the correction has been made. Once the loss adjuster has corrected its act, the registrar will revoke his or her suspension.

The loss adjuster whose license is revoked must stop acting as a loss adjuster during the suspension.

Section 35/8 The registrar has the power to revoke a loss adjuster license if it becomes apparent to him or her that the loss adjuster has any of the following characteristics:

- (1) fail to meet any of the required qualifications, or having any of the prohibited characteristics set out in section 35/3;
- (2) have had its license suspended under section 35/7, and there is an event in which the license will be suspended, regardless of whether the cause of each suspension is the same;
- (3) perform an act of a loss adjuster during suspension under paragraph 3 of section 35/7;  
or
- (4) commit improper conduct under section 90/2.

Section 35/9 The person whose license is suspended under section 35/7, or revoked under section 35/8, has the right to submit its appeal to the Commission within 30 days from the date it received the order. The Commission must complete the consideration process of the appeal within 60 days from the date it was received. The Commission's decision is final."

Section 6 The provision in section 64 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed and superseded by the following provision.

"Section 64 The applicant for a non-life insurance agent license must:

(1) have the following qualifications:

- A) be of legal age;
- B) have residence in Thailand; and
- C) have taken non-life insurance lessons prescribed by the Office of Insurance Commission, or have passed non-life insurance tests in accordance with the programs, procedures, and conditions prescribed by the Office of Insurance Commission; and

(2) have none of the following prohibited characteristics:

- A) be a person of unsound mind, an incompetent person, or a quasi-incompetent person;
- B) have been convicted by a final court judgment for an offense regarding dishonest demeanor committed to property, unless the punishment was completed at least five years before the date of application submission;
- C) be bankrupt, or have been involved in a bankruptcy fraud;
- D) be a non-life insurance broker;
- E) have his or her non-life insurance agent license or non-life insurance broker license, or life insurance agent license or life insurance broker license under life insurance law, suspended;

- F) have had his or her non-life insurance agent license or non-life insurance broker license, or life insurance agent license or life insurance broker license under life insurance law revoked in the previous five years before the date of the application submission; or
- G) have a history of improper conduct, or a history of a lack of responsibility, as prescribed by the Commission.”

Section 7 Section 65/2 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed.

Section 8 Section 66/1 and section 66/2 of the Non-life Insurance Act, B.E. 2535 (1992), which are amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed.

Section 9 The provision in section 67 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed and superseded by the following provision.

“Section 67 A natural person intending to apply for a non-life insurance broker license must not be a non-life insurance agent, or a director, manager, officer, or employee of any company. The provisions in section 64 (1) (A), (B) and (C), and (2) (A), (B), (C), (E), (F), and (G) will apply *mutatis mutandis*. The applicant must also have passed training programs arranged or prescribed by the Office of Insurance Commission.

A juristic person intending to apply for a non-life insurance license must:

(1) have the following qualifications;

- A) be a juristic person, as prescribed by the Commission; and
- B) have an objective of engaging in a business of being a non-life insurance broker; and

(2) have none of the following prohibited characteristics:

- A) have had its non-life insurance broker license, or life insurance broker license under life insurance law, suspended;
- B) have had its non-life insurance broker license, or life insurance broker license under life insurance law, revoked in the previous five years before the date of application; or
- C) have a history of improper conduct, or a history of a lack of responsibility, as prescribed by the Commission.”

Section 10 The following provisions will be added as section 68/1, section 68/2, and section 68/3 of the Non-life Insurance Act, B.E. 2535 (1992).

“Section 68/1 A juristic person holding a non-life insurance broker license must be ready for its business operation; must appoint or assign a person with relevant knowledge or experience and holding a non-life insurance broker license to be in charge of a non-life insurance broker’s affairs; and must have a system in place to govern the performance of their duties, in accordance with the regulations implemented by the Commission.

Section 68/2 A juristic person holding a non-life insurance broker license cannot appoint or assign a person without a non-life insurance broker license to be in charge of advising or arranging a person to enter into an insurance contract with the company.

Section 68/3 A juristic person holding a non-life insurance broker license must be jointly responsible for any damage caused by the appointed or assigned person acting as a non-life insurance

broker for the juristic person, regardless of whether the person holds a non-life insurance broker license.”

Section 11 The following provisions will be added as section 74/1 and section 74/2 of the Non-life Insurance Act, B.E. 2535 (1992).

“Section 74/1 Under the provisions of this Act, the Commission has the power to prescribe and implement any rules, procedures, and conditions regarding the following subjects, for non-life insurance agents and non-life insurance brokers to comply with.

- (1) Persuading, advising, or arranging a person to enter into an insurance contract with the company.
- (2) Receiving, keeping, and delivering insurance premiums.
- (3) Advertisements.
- (4) The revelation of information regarding the offering of insurance policies for sale, and the details of those insurance policies, to help people with their decision making.
- (5) The revelation of information regarding operation conducted by non-life insurance agents and non-life insurance brokers.
- (6) The operation’s compliance with international regulatory standards.

Section 74/2 Non-life insurance agents and non-life insurance brokers cannot use advertising messages or pictures, or invitation letters, that are not approved by the company, to persuade, advise, or arrange a person to enter into a non-life insurance contract.”

Section 12 The provision in section 75 of the Non-life Insurance Act, B.E. 2535 (1992) will be repealed and superseded by the following provision.

“Section 75 To support the inspection of operation conducted by non-life insurance agents or non-life insurance brokers, the registrar and authorized officers have the power to request that non-life insurance agents or non-life insurance brokers give statements, or provide registration books, account books, any documents, or reports using the format, and containing the details, prescribed by the registrar, for inspection. They also have the power to visit the person’s office for inspection during business hours, or during the time of sunrise and sunset.”

Section 13 The provision in section 76 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed and superseded by the following provision.

“Section 76 If it is apparent to the registrar that any non-life insurance agent or non-life insurance broker has any conduct below, the registrar has the power to order the non-life insurance agent or the non-life insurance broker to act, refrain from acting, or correct the act within the specified timeframe.

- (1) Violating or failing to comply with section 66, section 68/2, section 69, section 70, section 71, section 74/2, or the first paragraph of section 78, or failing to comply with an order of the registrar or an officer, under section 75.
- (2) Violating or failing to comply with notifications of the Commission issued under section 68/1 or section 74/1.

If a non-life insurance agent or non-life insurance broker fails to act, refrain from acting, or correct the act within the timeframe specified by the registrar in the first paragraph, the registrar has the power to suspend the non-life insurance agent license or non-life insurance broker license until the correction has been made. Once the non-life insurance agent or non-life insurance broker has corrected its act, the registrar will revoke his or her suspension.

The non-life insurance agent or non-life insurance broker whose license is suspended must stop acting as a non-life insurance agent or non-life insurance broker during the suspension.”

Section 14 The following provision will be added as section 76/1 of the Non-life Insurance Act, B.E. 2535 (1992).

“Section 76/1 The registrar has the power to revoke the non-life insurance agent license or non-life insurance broker license if it becomes apparent to him or her that the non-life insurance agent or non-life insurance broker has any following conduct.

- (1) Violating or failing to comply with section 66, section 68/2, section 70, section 71, section 74/2, or the first paragraph of section 78, or failing to comply with an order of the registrar or an officer, under section 75, in a manner that causes, or may cause, damage to the insured, beneficiaries under an insurance policy, or the public.
- (2) Violating or failing to comply with notifications of the Commission issued under section 74/1, in a manner that causes, or may cause, damage to the insured, beneficiaries under an insurance policy, or the public.
- (3) Failing to meet any of the required qualifications, or having any of the prohibited characteristics set out in section 64 or section 67.
- (4) Performing an act of a non-life insurance agent or non-life insurance broker during suspension under paragraph 3 of section 76.
- (5) His or her license’ having been suspended under section 76, and there is an event in which the license will be suspended, regardless of whether the cause of each suspension is the same.
- (6) Taking action that causes, or may cause, damage to the insured, beneficiaries under an insurance policy, or the public.”

Section 15 Section 77 of the Non-life Insurance Act, B.E. 2535 (1992) will be repealed and superseded by the following provision.

“Section 77 The person whose license is suspended under section 76, or revoked under section 76/1, has the right to submit an appeal to the Commission within 30 days after the date the person received the order. The Commission must complete the consideration process of the appeal within 60 days after the date it was received. The Commission’s decision is final.”

Section 16 The provisions in section 90/1 and 90/2 of the Non-life Insurance Act, B.E. 2535 (1992), which are amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed and superseded by the following provisions.

“Section 90/1 Any person violating the first paragraph of section 35/2 will be penalized with a fine of up to THB 300,000.

Section 90/2 Any loss adjuster providing a false casualty inspection and assessment report will be penalized with a fine of up to THB 200,000. The provisions in the second and third paragraphs of section 109 will apply *mutatis mutandis*.

Any loss adjuster violating or failing to comply with notifications of the Commission issued under the fourth paragraph of section 35/5 will be penalized with a fine of up to THB 200,000.

If a loss adjuster commits a wrongdoing under this Act, and the wrongdoing is committed by the juristic person due to an order, or an action, of a director, manager, or any person responsible for its act, or due to a person in charge of issuing orders or taking action failing to issue an order or take action, causing the juristic person to commit the wrongdoing, that person will also be penalized with the penalty prescribed for that wrongdoing.”

Section 17 The provisions in section 100/1 and section 100/2 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), will be repealed.

Section 18 The following provision will be added as section 104/1 of the Non-life Insurance Act, B.E. 2535 (1992).

“Section 104/1 Any non-life insurance agent or non-life insurance broker violating section 74/2, or violating or failing to comply with, notifications of the Commission issued under section 74/1 will be penalized with a fine of up to THB 50,000 and a daily fine of THB 2,000 throughout the period of the violation or misconduct.

If the wrongdoing set out in the first paragraph causes damage to the company or the insured, he or she will be penalized with imprisonment for up to five months, or a fine of up to THB 50,000, or both.”

Section 19 The provision in section 105 of the Non-life Insurance Act, B.E. 2535 (1992), will be repealed and superseded by the following provision.

“Section 105 Any non-life insurance agent or non-life insurance broker failing to comply with an order issued by the registrar or an officer under section 75 will be penalized with imprisonment for up to one month, or a fine of up to THB 10,000, or both.”

Section 20 The provision in section 106 of the Non-life Insurance Act, B.E. 2535 (1992), will be repealed and superseded by the following provision.

“Section 106 Any person hindering the registrar or an officer who is on duty under section 75 will be penalized with imprisonment for up to one month, or a fine of up to THB 10,000, or both.”

Section 21 The following provision will be added as section 108 of the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008).

“If a juristic-person non-life insurance broker commits a wrongdoing under the provisions in chapter 4, and the wrongdoing is committed due to an order, or an action, of a director, manager, or any person responsible for operation of the juristic person, or due to a person in charge of issuing orders or taking action failing to issue an order or take action, causing the juristic person to commit the wrongdoing, that person will also be penalized with the penalty prescribed for that wrongdoing.”

Section 22 The following provisions will be added as section 108/3, section 108/4, and section 108/5 of the Non-life Insurance Act, B.E. 2535 (1992).

“Section 108/3 Any person dishonestly deceiving another person by persuading, advising, or arranging the latter to enter into a non-life insurance contract with the company, but no actual insurance contract is made, and the deception has caused the deceiving person to obtain property from the deceived person or a third party, or has caused the deceived person or a third party to make, revoke, or destroy a title document, will be penalized with imprisonment for up to three years, or a fine of up to THB 300,000, or both.

If the wrongdoing set out in the first paragraph is committed by presenting a false statement to the public, or concealing a truth that should be told to the public, the person who commits the wrongdoing will be penalized with imprisonment for up to five years, or a fine of up to THB 500,000, or both.”

Section 108/4 Any person requesting for benefits under an insurance policy by presenting false evidence for claiming will be penalized with imprisonment for up to three years, or a fine of up to THB 300,000, or both.

Any person acting in any manner that assists or facilitates another person in the wrongdoing set out in the first paragraph will be penalized as prescribed in the first paragraph.

Section 108/5 Any person giving, requesting to give, or promising to give, property or other benefits to a director, a person with the management power, an officer, an employee, or a person designated by the company, to persuade the person to process undue compensation, payment, or benefits under the insurance policy, will be will be penalized with imprisonment for up to five years, or a fine of up to THB 500,000, or both.

Any person demanding, accepting, or agreeing to accept property or other benefits for themselves or a third party to ensure payment of undue compensation, money, or benefits under the insurance policy, will be penalized with imprisonment for up to five years, or a fine of up to THB 500,000, or both.”

Section 23 Any person obtaining a loss adjuster license under the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), and the license is still valid as of the date this Act takes effect, is deemed to be a holder of the loss adjuster license under the Non-life Insurance Act, B.E. 2535 (1992), which is amended by this Act, and can continue acting as a loss adjuster until the license expires, but for no more than one year after the date this Act takes effect.

Section 24 Any person obtaining a non-life insurance agent license or a non-life insurance broker license under the Non-life Insurance Act, B.E. 2535 (1992), which is amended by the Non-life Insurance Act (No. 2), B.E. 2551 (2008), and the license is still valid as of the date this Act takes effect, is deemed to be a holder of the non-life insurance agent license or non-life insurance broker license under the Non-life Insurance Act, B.E. 2535 (1992), amended by this Act.

Section 25 Any ministerial regulation, notification, or order issued under the Non-life Insurance Act, B.E. 2535 (1992), and as amended, that was effective as of the date before the date this Act takes effect will remain in full force and effect to the extent that it has no contradiction or discrepancy with the Non-life Insurance Act, B.E. 2535 (1992), amended by this Act, until a new ministerial regulation, notification, or order is issued under the Non-life Insurance Act, B.E. 2535 (1992), amended by this Act, but for no more than 180 days after the date this Act takes effect.

Section 26 The Minister of Finance will be in charge under this Act.

Countersigned by  
General Prayut Chan-o-cha,  
Prime minister

Remarks: The reason for the enactment of this Act is that several provisions of the Non-life Insurance Act, B.E. 2535 (1992), regarding non-life insurance agents and non-life insurance brokers, are not consistent with the current situation, in which the insurance industry is seeing an increase in the use of



electronic methods. Meanwhile, the number of insurance frauds by non-life insurance agents, non-life insurance brokers, and third parties, is rising, causing damage to the public and the insurance industry. Therefore, it is expedient for rules regarding the supervision over loss adjusters, non-life insurance agents, and non-life insurance brokers, to ensure that the supervision over the insurance industry is suitable and consistent with changing situation, to protect the public, and to strengthen the insurance industry. The qualifications and prohibited characteristics of loss adjusters, non-life insurance agents, and non-life insurance brokers are hereby updated. The rules, procedures, and conditions for practices of loss adjusters, non-life insurance agents, and non-life insurance brokers, are clarified; and more suitable penalties are imposed on violations of, or failure to comply with, laws by loss adjusters, non-life insurance agents, or non-life insurance brokers; or frauds committed by third parties against the insured and the public.