



**COMMONWEALTH OF KENTUCKY
DEPARTMENT OF INSURANCE
FRANKFORT, KENTUCKY**

**ADVISORY OPINION
2021-06**

The following Advisory Opinion is to advise the reader of the current position of the Kentucky Department of Insurance on the specified issue. The Advisory Opinion is not legally binding on either the Department or the reader.

TO: ALL INSURERS, PRODUCERS, AND ADJUSTERS TRANSACTING INSURANCE BUSINESS IN THE FOLLOWING COUNTIES WITHIN THE COMMONWEALTH OF KENTUCKY: BOYLE, BRECKINRIDGE, BULLITT, CALDWELL, CALLOWAY, CASEY, CHRISTIAN, EDMONSON, FULTON, GRAVES, GRAYSON, GREEN, HARDIN, HART, HICKMAN, HOPKINS, LIVINGSTON, LOGAN, LYON, MARION, MARSHALL, MEADE, MONROE, MUHLENBERG, OHIO, SHELBY, SPENCER, TAYLOR, TODD, AND WARREN

FROM: SHARON P. CLARK, COMMISSIONER
KENTUCKY DEPARTMENT OF INSURANCE

RE: INSURER, PRODUCER, AND ADJUSTER ACTIVITIES DURING THE ACUTE EMERGENCIES FOLLOWING THE STORMS ON DECEMBER 10 AND 11, 2021

DATE: DECEMBER 14, 2021

* * * * *

The Kentucky Department of Insurance recognizes that insurers, producers, and adjusters are working hard to address the issues their customers face after the devastating storms that swept through Kentucky on December 10 and 11, 2021. This Advisory Opinion is intended to offer guidance with respect to several issues/questions that have come to the attention of the Department.

A. Insurers

Limited access to funds: The recent storms have impeded the ability of Kentuckians to access funds in certain areas of the state. The Department has received inquiries from insurers regarding their ability to extend time periods for customers to pay premiums, copayments, deductibles, and other charges which may be due. In light of the State of Emergency declared by Governor Beshear in Executive Order 2021-923, insurers are permitted to extend time periods that, when extended, will be for the benefit of their customers. Such extensions should be for reasonable time periods that will not result in a financial hardship on consumers when the payments become due after the extensions have expired. Under the current State of Emergency declared pursuant to Executive Order 2021-923, such extensions may be provided until January 10, 2022. The Department of Insurance may further extend this deadline based upon any additional extension of the above-referenced State of Emergency.

Any insurer intending to offer extensions to consumers should advise the Department of such by sending an email to Rob Roberts at Rob.Roberts@ky.gov or by letter delivered to:

Attn: Rob Roberts
Commissioner's Office
Kentucky Department of Insurance
P.O. Box 517
Frankfort, Kentucky 40602

Disruption of Mail Delivery: The recent storms have also resulted in major disruptions to mail delivery. Insurers should refrain from taking action against policyholders such as cancelling policies, non-renewing policies, and implementing rate increases until such time as proper and actual notice can be given.

Access to Policies: In many instances, policyholders may not have access to their policies and are unable to review their policy language. Insurers should supply, upon request from a policyholder, a copy of the policy without charge.

Adjusters: In accordance with KRS 304.9-430(14), temporary registration for emergency independent or staff adjusters shall be issued by the commissioner in the event of a catastrophe declared in Kentucky. Insurers sending unlicensed adjusters to Kentucky to assist with claims from the storms of December 10 and 11, 2021 (Catastrophe Serial No. 2176) must complete a Form 8307 to register the unlicensed catastrophe adjusters. The form must be completed and submitted by the insurer, not the individual adjuster or any other entity. Any Form 8307 shall be submitted electronically through the insurer's eServices account on the Department's website at <http://insurance.ky.gov>. An emergency independent or staff adjuster's registration shall remain in force for a period not to exceed ninety (90) days, unless extended by the commissioner.

B. Public Adjusters

A public adjuster is an adjuster that acts on behalf of an insured or aids an insured solely in relation to first-party claims arising under insurance contracts that insure the real or personal property of

the insured, in negotiating for, or effecting the settlement of, a claim for loss or damage covered under an insurance contract. A public adjuster also directly or indirectly solicits business, investigates or adjusts losses, advises an insured about first-party claims for losses or damages arising out of policies of insurance that insure real or personal property for another person, or engages in the business of adjusting losses or damages covered by an insurance policy for the insured. *See* KRS 304.9-020(20). Any person acting as a public adjuster is required to be licensed by the Department and must comply with the contract and disclosure requirements in KRS 304.9-433.

As further inquiries or additional information is received, the Department may publish additional advisories. If you have any questions about this Advisory Opinion, please contact Rob Roberts at (502) 564-6034.



Sharon P. Clark, Commissioner
Kentucky Department of Insurance
On this 14 day of December 2021