

PUBLIC PROTECTION CABINET
Department of Insurance
Licensing Division
(Amended at ARRS Committee)

806 KAR 9:400. Public adjuster filings.

RELATES TO: KRS 304.9-020, 304.9-430, 304.9-433, 304.9-435, 304.9-440

STATUTORY AUTHORITY: KRS 304.9, 304.2-110

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.9-433 requires public adjusters to file a form to be approved by the commissioner prior to executing a contract with an insured. This administrative regulation sets forth the prefiling requirements for public adjusters prior to executing a contract with an insured.

Section 1. Definitions.

- (1) "Commissioner" is defined by KRS 304.1-050(1).
- (2) "Catastrophe" is defined by KRS 304.9-020(6).
- (3) "Department" is defined by KRS 304.1-050(2).
- (4) "Emergency circumstance" means:
 - (a) A catastrophe; or
 - (b) An event that results in a declaration of emergency by the Governor pursuant to KRS 39A.100.
- (5) "Public adjuster" is defined by KRS 304.9-020(20).

Section 2. Contract Filings.

- (1) Before a public adjuster may execute a contract or provide services to an insured, the public adjuster shall:
 - (a) File a form with the commissioner for approval that meets the contract standards prescribed by KRS 304.9-433 and included in the Contracting Checklist Form; and
 - (b) Provide the insured with a written disclosure as prescribed by KRS 304.9-433 and the contact information for the Department's Consumer Protection Division provided on the Contracting Checklist Form.
- (2) The public adjuster shall file the form:
 - (a) On the Department's secure Web site, <https://insurance.ky.gov/doiservices/userrole.aspx>; or
 - (b) By electronic mail to doi.licensingmail@ky.gov.
- (3)
 - (a) The commissioner shall have thirty (30) business days to approve or disapprove a contract form filing. The public adjuster shall not use a contract form prior to receiving the approval for the contract form filing.
 - (b) If the commissioner disapproves a contract form filing, the public adjuster shall have fifteen (15) business days to amend the original filing for the commissioner's approval.

Section 3. Emergency Circumstance, Intent to Contract.

- (1) If an emergency circumstance occurs and a public adjuster is unable to reasonably execute a contract before providing services to an insured, the public adjuster shall file an Intent to Contract Form with the insured's insurer.
- (2) The public adjuster shall file this form with the insurer within three (3) business days of providing any services to the insured.

(3) If a contract has not been executed within seven (7) business days following the filing of an Intent to Contract Form, the Intent to Contract Form shall be void.

(4) The public adjuster shall not receive any compensation unless he or she executes a contract with the insured on a general contract form previously approved by the commissioner.

Section 4. Amending Filings.

(1) A public adjuster may amend a previously approved form with the commissioner only if the public adjuster files the amended form and receives prior approval before utilizing the new contract form.

(2) The approval process for any amended contract form filings shall be governed by Section 2 of this administrative regulation.

Section 5. Materials Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "Contracting Checklist Form", 7/23; and

(b) "Intent to Contract Letter", 7/23.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Insurance, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's Web site at <https://insurance.ky.gov/ppc/CHAPTER.aspx>.

(50 Ky.R. 531, 1070; eff. 1-30-2024.)

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