



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

**PUBLIC ADJUSTER CONTRACT CHECKLIST**

Statute/Contract Requirement	Description	Y/N	Reviewer Comments
KRS 304.9-433(2)(a)	Contract includes legible full name of the adjuster signing the contract, as specified in the department's licensing records		
KRS 304.9-433(2)(b)	Contract includes adjuster's permanent home state business address and phone number		
KRS 304.9-433(2)(c)	Contract includes license number issued to the adjuster by the department		
KRS 304.9-433(2)(d)	Contract includes title of "Public Adjuster Contract"		
KRS 304.9-433(2)(e)	Contract includes space for insured's full name, street address, insurer name, and policy number		
KRS 304.9-433(2)(f)	Contract includes space for a description of the loss or damage and its location		
KRS 304.9-433(2)(g)	Contract includes a description of services to be provided to the insured		
KRS 304.9-433(2)(h)-(i)	Contract includes spaces for public adjuster and insured signatures with dates		
KRS 304.9-433(2)(j)	Contract includes attestation language stating that the adjuster has a letter of credit or a surety bond		
KRS 304.9-433(2)(k)	Contract includes the full salary, fee, commission, compensation, or other consideration the adjuster is to receive for services, including but not limited to: 1. If the compensation is based on a percentage of the insurance settlement, the exact percentage;		

	2. The initial expenses to be reimbursed to the adjuster from the proceeds of the claim payment, specified by type, with dollar estimates; and 3. Any additional expenses, if first approved by the insured		
KRS 304.9-4333(1)(b)	Contract details whether compensation is hourly fee, flat rate, percentage of total amount paid, or other method of compensation		
KRS 304.9-4333(1)(c)	Compensation section is not unreasonable		
KRS 304.9-4333(1)(c)2.	Compensation if based on percentage does not exceed 15% for noncatastrophic claims or 10% for catastrophic claims		
KRS 304.9-4333(2)(a)	Compensation contingency if policy limits offered within 72 hours after claim filed		
KRS 304.9-433(2)(l)	Contract includes statement that the adjuster shall not give legal advice or act on behalf of or aid any person in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages		
KRS 304.9-433(2)(m)	Contract includes process for rescinding the contract, and space for the date by which rescission of the contract by the adjuster or the insured may occur		
KRS 304.9-433(2)(n)	Contract includes statement that clearly states <i>in substance</i> <sup>1</sup> the following: “Complaints regarding this contract or regarding the public adjuster may be filed with the consumer protection division of the Kentucky Department of Insurance.”		
KRS 304.9-433(4)(a)	Contract DOES NOT include terms allowing percentage fee to be collected when money is due from an insurer, but not paid		
KRS 304.9-433(4)(b)	Contract DOES NOT include terms allowing the public adjuster to collect the entire fee from the first check issued by the insurer instead of as a percentage of each check issued by an insurer		
KRS 304.9-433(4)(c)	Contract DOES NOT include terms requiring an insured to authorize an insurer to issue a check only in the name of the adjuster		
KRS 304.9-433(4)(d)	Contract DOES NOT include terms imposing collection costs or late fees		

<sup>1</sup> In substance means the exact statement is not required, but must convey the substance of the sentence.

KRS 304.9-433(4)(e)	Contract DOES NOT include terms allowing the adjuster's rate of compensation to be increased based on the fact that a claim is litigated		
KRS 304.9-433(4)(f)	Contract DOES NOT include terms precluding the adjuster from pursuing civil remedies		
KRS 304.9-433(1)	Are the written disclosures <sup>2</sup> of the insured's rights included as part of the contract?		

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<sup>2</sup> Written Disclosures are not required as part of the contract, but shall be reviewed for compliance if included.