

**304.9-4331 Insured's rights -- Written notice requirement -- Duties of public adjuster.**

- (1) A public adjuster shall give an insured written notice of the insured's rights under this section and KRS 304.9-433 and 304.9-4332.
- (2) A public adjuster shall ensure that:
  - (a) Prompt notice of a claim is provided to the insurer;
  - (b) The property that is subject to a claim is available for inspection of the loss or damage by the insurer; and
  - (c) The insurer is given the opportunity to interview the insured directly about the loss or damage and claim.
- (3) A public adjuster shall not restrict or prevent an insurer or its adjuster, or an attorney, investigator, or other person acting on behalf of the insurer, from:
  - (a) Having reasonable access, at reasonable times, to:
    1. The insured or claimant; or
    2. The insured property that is the subject of a claim;
  - (b) Obtaining necessary information to investigate and respond to a claim; or
  - (c) Corresponding directly with the insured regarding the claim, except a public adjuster shall be copied on any correspondence with the insured relating to the claim.
- (4)
  - (a) A public adjuster shall not act or fail to reasonably act in any manner that obstructs or prevents the insurer or its adjuster from timely conducting an inspection of any part of the insured property for which there is a claim for loss or damage.
  - (b) Except as provided in paragraph (c) of this subsection, a public adjuster representing an insured may be present for the insurer's inspection.
  - (c) If the unavailability of a public adjuster, after a reasonable request by the insurer, otherwise delays the insurer's timely inspection of the property, the insured shall allow the insurer to have access to the property without the participation or presence of the public adjuster in order to facilitate the insurer's prompt inspection of the loss or damage.
- (5) A public adjuster shall provide the insured, the insurer, and the commissioner with a written disclosure concerning any direct or indirect financial interest that the adjuster has with any other party who is involved in any aspect of the claim.
- (6) A public adjuster shall not:
  - (a) Participate, directly or indirectly, in the reconstruction, repair, or restoration of damaged property that is the subject of a claim adjusted by the adjuster;
  - (b) Engage in any activities that may be reasonably construed as a conflict of interest, including, directly or indirectly, soliciting or accepting any remuneration of any kind or nature;
  - (c) Have a financial interest in any salvage, repair, or any other business entity that obtains business in connection with any claim that the public adjuster has a contract to adjust; or

- (d) 1. Use claim information obtained in the course of any claim investigation for commercial purposes.
2. As used in subparagraph 1. of this paragraph, "commercial purposes" includes marketing or advertising used for the benefit of the public adjuster.

**Effective:** June 29, 2023

**History:** Created 2023 Ky. Acts ch. 11, sec. 3, effective June 29, 2023.