

1 AN ACT relating to trade practices.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO  
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Prohibited advertisement" means any written or electronic*  
7 *communications by a contractor that encourages, instructs, or induces a*  
8 *residential property owner to contact any insurance company personnel for*  
9 *the purpose of making an insurance claim for roof damage. This includes*  
10 *but is not limited to door hangers, business cards, magnets, flyers,*  
11 *pamphlets, and emails; and*

12 *(b) "Soliciting" means contacting a residential property owner in person or*  
13 *through electronic means, including but not limited to email and telephone.*

14 *(2) A person shall not:*

15 *(a) Solicit residential property owner by means of a prohibited advertisement;*

16 *(b) Offer a residential property owner a rebate, gift card, cash, coupon, or*  
17 *waiver of any insurance deductible, or any other thing of value in exchange*  
18 *for:*

19 *1. Allowing a person to conduct an inspection of the residential property*  
20 *owner's roof; or*

21 *2. Making an insurance claim for damage to the residential property*  
22 *owners' roof in a way that purports to interpret an insurance policy;*

23 *(c) Offer, deliver, receive, or accept any compensation, inducement, or reward*  
24 *for the referral of any services for which insurance proceeds are payable;*

25 *(d) Interpret policy provisions or advertise to an insured regarding coverage or*  
26 *duties of the insured under his or her property insurance policy or adjust a*  
27 *property insurance claim on behalf of the insured, unless the person holds a*

1           license as a public adjuster pursuant to KRS 304.9-433; or  
2           (e) Provide an insured with an agreement authorizing repairs without  
3           providing a good faith estimate of the itemized and detailed cost of services  
4           and materials for repairs undertaken pursuant to a property insurance  
5           claim. If the actual repairs differ from the initial estimate as a result of an  
6           insurer adjusting the claim, it shall not be a violation of this subsection.  
7           (3) The prohibited trade practices described in subsections (1) and (2) of this section  
8           shall not be in effect if Kentucky is declared to be in a state of emergency  
9           pursuant to either a Presidential declaration or a declaration made under to KRS  
10           Chapter 39A.