



324018

LEGISLATIVE ACTION

Senate

.  
. .  
. .  
. .  
. .

House

---

Senator Thurston moved the following:

**Senate Amendment (with title amendment)**

Delete lines 287 - 323

and insert:

language in minimum 16-point bold type: "You, the insured, may cancel this contract for any reason without penalty or obligation to you within 14 days after the date of this contract by providing notice to ...(name of public adjuster)..., submitted in writing and sent by certified mail, return receipt requested, or other form of mailing that provides proof thereof, at the address specified in the contract. In addition, if



324018

12 ...(name of public adjuster)... fails to provide you with a  
13 written estimate (which must include an itemized, per-unit  
14 estimate of the repairs, including itemized information on  
15 equipment, materials, labor, and supplies, in accordance with  
16 accepted industry standards) within 45 days after the date of  
17 this contract, you, the insured, may cancel this contract with  
18 ...(name of public adjuster)... without penalty or obligation by  
19 providing notice as set forth above. This right to cancel the  
20 contract without penalty or obligation shall continue until such  
21 time as ...(name of public adjuster)... submits the required  
22 estimate to you.”; ~~provided, during any state of emergency as~~  
23 ~~declared by the Governor and for 1 year after the date of loss,~~  
24 ~~the insured or claimant has 5 business days after the date on~~  
25 ~~which the contract is executed to cancel a public adjuster’s~~  
26 ~~contract.~~

27 (11) Each public adjuster must provide to the claimant or  
28 insured a written estimate of the loss to assist in the  
29 submission of a proof of loss or any other claim for payment of  
30 insurance proceeds. The written estimate must include an  
31 itemized, per-unit estimate of the repairs, including itemized  
32 information on equipment, materials, labor, and supplies, in  
33 accordance with accepted industry standards. The public adjuster  
34 shall retain such written estimate for at least 5 years and  
35 shall make the estimate available to the claimant or insured,  
36 the insurer, and the department upon request. Failure to provide  
37 the required estimate within 45 calendar days after the date on  
38 which the contract is executed shall restore the insured’s right  
39 to cancel the public adjuster’s contract without penalty or  
40 obligation. The insured retains such right until such time as



324018

41 the public adjuster submits the required estimate. In the event  
42 that a subsequent state of emergency is declared by the Governor  
43 in the same county the property that is the subject of the  
44 public adjuster's contract is located, and that subsequent state  
45 of emergency is declared less than 45 days after the date of the  
46 original contract, the Chief Financial Officer shall have the  
47 authority to declare that the 45-day cancellation period will  
48 reset to begin on the date the subsequent state of emergency is  
49 declared by the Governor.

50

51 ===== T I T L E A M E N D M E N T =====

52 And the title is amended as follows:

53       Between lines 44 and 45

54 insert:

55       authorizing the Chief Financial Officer to declare a  
56       reset of a certain cancellation period under certain  
57       circumstances;