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MISSISSIPPI INSURANCE DEPARTMENT
BULLETIN NO. 2005-8, as amended
April 26, 2006

On September 16, 2005, the Mississippi Insurance Department ("Department") issued Bulletin 2005-8 which temporarily established emergency guidelines governing the registration and other activities of public adjusters in this State. Pursuant to Bulletin 2005-8, this registration was scheduled to cease on May 31, 2006.

As recovery efforts on the Mississippi Gulf Coast are continuing, it is apparent that the need for the provisions of Bulletin 2005-8 need to be extended beyond May 31, 2006. Therefore, it is the intent of this Bulletin, as amended, to extend the emergency guidelines governing the registration and other activities of public adjusters to May 31, 2007.

Therefore, pursuant to the Governor's Proclamations dated August 26, 2005, and September 2, 2005, and Miss. Code Ann. §§ 33-15-11(b)(9) and 33-15-11(c)(4), the Commissioner of Insurance hereby adopts, on a temporary emergency basis, the following guidelines which shall govern the registration and activities of emergency public adjusters who desire to adjust claims for those affected by Hurricane Katrina.

- I. Definition - For the purposes of this Bulletin, an emergency public adjuster is an adjuster who contracts with an insured to investigate, estimate and assess property and casualty losses on behalf of the insured or claimant in regard to any damage or loss the insured may have suffered due to Hurricane Katrina.
- II. Requirements for Registration - For the period of time for which this Bulletin remains in effect, any person holding a valid license in good standing from any state as a public adjuster or independent adjuster may register as an emergency public adjuster in Mississippi.
 - A. To act as an emergency public adjuster, a person must register with the Department by mailing or faxing the attached registration form to the Department. There will be a fifty dollar (\$50.00) registration fee. Any holder of a current Mississippi independent adjuster license shall be exempt from paying the registration fee.

- B. This registration shall expire on May 31, 2007. The Commissioner of Insurance reserves the right to renew this registration after May 31, 2007, should it be deemed necessary.
- C. The registration period for public adjusters which are currently registered with the Department pursuant to previous Bulletin 2005-8 shall end on May 31, 2006. All public adjusters shall be required to register again with the Department on or before May 31, 2006, in order to continue to remain registered with the Department. To register with the Department for the June 1, 2006 - May 31, 2007 registration period, a public adjuster shall follow the registration process set forth in Section II(A) of this Bulletin.

III. Written Contract Required - Emergency public adjusters shall ensure that all contracts for their services are in writing, and are signed by the insured and the public adjuster who solicited the contract. Written contracts required hereunder shall also be subject to the following provisions:

- A. No emergency public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value equal to more than seven percent (7%) of any insurance settlement or proceeds.
- B. No emergency public adjuster shall require, demand, or accept any fee, retainer, compensation, deposit, or other thing of value, prior to settlement of the claim.
- C. Any costs to be reimbursed to the emergency public adjuster out of the proceeds shall be specified by type, with dollar estimates set forth in the contract.
- D. An emergency public adjuster's contract with an insured shall be revocable or cancelable by the insured, without penalty or obligation, for at least fourteen (14) business days after the contract is entered into. Nothing in this provision shall be construed to prevent an insured from pursuing any civil remedy after the fourteen (14) business day cancellation period.

IV. General Ethical Requirements - Emergency public adjusters registered in the State of Mississippi shall adhere to the following ethical requirements:

- A. An emergency public adjuster shall not undertake the adjustment of any claim which the emergency public adjuster is not currently competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the emergency public adjuster's current expertise.
- B. No person shall, as an emergency public adjuster, represent any person or entity whose claim the emergency public adjuster has previously adjusted while acting as

an independent adjuster representing any insurer, either directly or through an independent adjusting firm retained by said insurer.

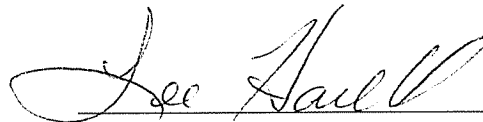
- C. An emergency public adjuster shall not represent or imply to any client or potential client that insurers, company adjusters, or independent adjusters routinely attempt to, or do in fact, deprive insureds or claimants of their full rights under an insurance policy.

- V. Total Loss Claims - No emergency public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the emergency public adjuster can reasonably be expected to result in the insured obtaining an insurance settlement, net of the emergency public adjuster's compensation, in excess of what the insured would have obtained without the services of the emergency public adjuster.

- VI. Unauthorized Practice of Law - Pursuant to Miss. Code Ann. § 73-3-55, there is a statutory prohibition against a person engaging in the practice of law without a license. For further clarification concerning whether any activity performed by an emergency public adjuster involves the practice of law, the Department would defer to the Attorney General's Office and the Mississippi Bar Association.

This is a temporary measure and is only taken to ensure the citizens of Mississippi are duly protected as recovery efforts from Hurricane Katrina continue.

Done this the 26th day of April, 2006.



LEE HARRELL

DEPUTY COMMISSIONER OF INSURANCE