



**Office of the Lieutenant Governor
Division of Banking, Insurance and
Financial Regulation**

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BULLETIN 2017-10

- TO:** All Property and Casualty Insurance Companies, Including Premium Finance Companies, Agents and Representatives, Adjusters, and the Public Generally
- RE:** Hurricane Irma and Hurricane Maria– Claims Adjusting and Adjusters

In light of the personal hardships sustained by residents of the U.S. Virgin Islands as a result of Hurricane Irma and Hurricane Maria, I, Lieutenant Governor Osbert E. Potter, in my capacity as the Territory's Commissioner of Insurance, am issuing this Bulletin to urge insurers to use all available means to provide residents and policyholders prompt and immediate relief. Prompt and immediate relief means that all independent adjusters working on behalf of an insurance company should use all resources available to complete adjustments within the time limitations set forth in their respective contractual agreement with an insurance company. If there is no provision within a contractual agreement that establishes a time limitation, I encourage independent adjusters and insurers to use all resources available to complete adjustments within a reasonable time period to ensure that prompt and immediate relief is achieved. I also encourage all public adjusters working on behalf of an insured to apply the same "reasonable standard" to achieve that same prompt and immediate relief for their clients.

I am also advising the general public to continue to use good judgment and be vigilant when working with an adjuster. Section 751(a)(1) of Title 22 of the Virgin Islands Code (also known as the "Virgin Islands Insurance Code") defines an independent insurance adjuster as an adjuster representing the interests of the insurer. Section 751(a)(2) defines a public insurance adjuster as an adjuster employed by and representing solely the financial interests of the insured named in the policy. All independent and public adjusters must be duly licensed by or registered with the Office of the Lieutenant Governor, Division of Banking, Insurance and Financial Regulation to conduct business in the Territory. Both independent and public insurance adjusters must obtain the required identification card, which must be presented to the insured at the time that the adjustment is conducted. Members of the public are advised to request that any adjuster who enters their property for the purpose of conducting an adjustment relative to damages to their property, present the required identification. Please also be advised that while Section 775 of Title

22 allows an individual to be concurrently licensed as an independent adjuster and a public adjuster, Section 777 prohibits an adjuster that is licensed as both an independent and public insurance adjuster from representing both an insurer and an insured in the same transaction.

The insurance claims adjustment process must be completed within a reasonable time for all claimants. An adjuster's timely completion of a claim's adjustment is especially important for persons who have insurance coverage for their property, but due to certain limitations under their insurance policy, may need to apply for disaster assistance from the Federal Emergency Management Agency ("FEMA"). Please be advised that, in accordance with Section 206.109 of Title 44 of the Code of Federal Regulations, FEMA will not duplicate benefits received from any other source. For this reason, all applicants for disaster assistance must inform FEMA of all insurance coverage (flood, homeowners, vehicle, mobile home, medical, burial, etc.) held by them to meet their disaster-caused needs. FEMA will determine if an insured meets the requirements for eligibility to receive relief as set forth in Section 206.113 of Title 44 of the Code of Federal Regulations. FEMA makes this determination by requiring insured applicants to provide documentation that identifies their insurance settlements or benefits before FEMA will consider their eligibility for categories of assistance that may be covered by private insurance.

Questions regarding this Bulletin may be directed to the Division of Banking, Insurance and Financial Regulation by calling Chief Examiner Cheryl Charleswell at (340) 774-7166 on the island of St. Thomas or Director Gwendolyn Hall Brady at (340) 773-6459 on the island of St. Croix.

Dated this 9th day of November 2017 at St. Thomas, U.S. Virgin Islands.



A handwritten signature in blue ink, appearing to read "Osbert E. Potter", written over a horizontal line.

Osbert E. Potter
Lieutenant Governor/Commissioner of Insurance