

Public Adjuster Checklist and Attestation

Submission Form Instructions:

This form must be completed and submitted with each application, renewal, or change of customer contract for a public adjuster. All information requested is pursuant to Iowa Code chapter 522C and Iowa Administrative Code rule 191.55

Public Adjuster Information

Individual Name: _____

Company Name (if applicable): _____

Public Adjuster Contract Checklist:

Public adjusters shall ensure that all contracts for their services are in writing and contain the required verbiage or space for the below information to be filled out. For each requirement, indicate where the information is specifically located within the contract by providing the page number and paragraph number (i.e. page 1, paragraph 2)

<u>Requirement</u>	<u>Location on Contract (Page/ Paragraph)</u>
The contract must be titled 'Public Adjuster Contract'	
The full name, address, telephone number and license number of the business entity that the adjuster is associated with, if applicable, is listed on the contract	
Public adjuster's full name, address telephone number and license number	
Insured's full name, street address, insurance company name, and insurance policy/claim number	
Description of Insured's loss claim and address of loss	
Description of services to be provided by the public adjuster on behalf of the Insured	

<p>A statement that the public adjuster has provided evidence of financial responsibility pursuant to Iowa Code §522C.7</p>	
<p>A statement that the public adjuster shall not render services or perform acts that constitute the practice of law.</p>	
<p>A signature of the public adjuster and of the insured with dates of when the public adjuster and the insured each signed the contract.</p>	
<p>A statement that the public adjuster shall not act on behalf of or aid any person in negotiation or settlement of a claim related to bodily injury, death, or noneconomic damages.</p>	
<p>A statement that the insured has the right to agree to or reject a loss settlement even if the public adjuster objects to the insured's decision.</p>	
<p>An explanation of the amount payable to the public adjuster, and how the amount is calculated, <u>which may include any of the following</u></p> <ul style="list-style-type: none"> ● If an hourly rate, the contract shall state the hourly rate and how the rate is applied to the hours of service provided by the public adjuster to calculate the amount payable. ● If a flat fee, the contract must state the exact amount the Insured is responsible for paying to the public adjuster. ● If a percentage of settlement, the contract must state the exact percentage applied to the settlement on the Insured's claim. ● If any other consideration, the contract must detail how the amount payable is calculated or determined. 	
<p>A public adjuster may charge a reasonable fee based on the time spent on the claim, and the expenses incurred by the public adjuster, until the date the insurer pays the claim or provides the insured with a written commitment that the insurer will pay the claim. The contract must include a disclosure that the fee shall not exceed any of the following:</p> <ul style="list-style-type: none"> ● Fifteen percent of all claim payments approved by the insurer or any non-catastrophic disaster insurance claim settlement. ● Ten percent of all claim payments approved by the insurer for any catastrophic insurance claim settlement. 	
<p>A statement explaining the process for rescinding the contract, including the date by which rescission of the contract by the adjuster or the insured must occur.</p>	

A statement explaining that compensation for any reopened or supplemental claim may not exceed the limitations set forth in the contract.	
A statement explaining that the initial expenses of the public adjuster that will be reimbursed from the proceeds of the claim payment shall be specified by expense type, with reimbursement estimates set forth in the contract. Any additional expenses for which the public adjuster requests reimbursement shall be disclosed in writing to the insured, and must be approved by the insured prior to reimbursement.	

By initialing and signing below, I, _____ attest that I have reviewed and understand the following Public Adjuster Contract Guidelines in addition to the contract checklist requirements above:

General Contract Guidelines: (Initial here)

- A public adjuster contract shall not contain a provision that does any of the following:
 - Allows the public adjuster’s percentage of a settlement to be collected if money is still due from the insurer rather than as a percentage of each payment issued by the insurer.
 - Requires or permits the insured to authorize the insurer to issue a check only in the name of the public adjuster.
 - Imposes collection costs or late fees.
 - Allows the public adjuster’s compensation to be increased based on the fact that a claim is litigated.
 - Precludes either an insured or the public adjuster from pursuing civil remedies.
 - Restricts an insured’s right to initiate or maintain direct communication with the insured’s attorney or insurer, with the insurer’s adjuster or attorney or any other person regarding settlement of the insured’s claim.
 - Grants the public adjuster power of attorney or limited power of attorney of the insured.
 - Requires the insured to use a particular business entity or individual for reconstruction, repair, or restoration of the insured’s damaged property.
- A contract provision shall not be redacted in a copy of the contract submitted to the commissioner. Such redaction shall constitute a violation of this chapter and shall be subject to penalties under Iowa Code sections 522C.13 and 522C.14.

Public Adjuster Contract Cancellation Guidelines: (Initial Here)

- The public adjuster shall provide notice of the insured's rights under Iowa Code chapter 555A, and the insured may rescind the contract as provided in Iowa Code chapter 555A.
- A contract shall not be construed to prevent an insured from pursuing a civil remedy after the revocation or cancellation period.
- If the insured rescinds the contract, anything of value given by the insured shall be returned to the insured within fifteen business days following receipt of the cancellation notice by the public adjuster.

Public Adjuster Compensation Guidelines: (Initial Here)

- If the insurer, no later than five calendar days after the date on which the insured's loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insured's insurance policy, the public adjuster shall:
 - Inform the insured that the total amount of loss claimed by the insured may not be paid by the insurer.
 - Only be **entitled to reasonable compensation** from the insured for services provided on behalf of the insured based on the time spent on the claim, and the expenses incurred by the public adjuster, until the date the insurer pays the claim or provides the insured with a written commitment that the insurer will pay the claim.

Attestation/Certification

In accordance with the requirements set forth by the Iowa Code, I, _____, hereby attest that I have reviewed and understand the requirements as outlined, as well as Iowa Code chapter 522C, and that the attached contract meets all of those requirements.

In addition, I understand the following requirements;

- The contract does not contain any terms or conditions that may limit or nullify any requirements of the Iowa Insurance Division or other rules of the department.
- I understand that I/we may not use a Public Adjuster contract that has not been filed and approved by the Iowa Insurance Division.
- I understand that failure to meet the contract requirements or a contract between a public adjuster and insured executed on a form in violation of the Iowa Code shall not be enforceable in this state.
- I understand that failure to meet the outlined requirements or provide accurate documentation may result in the rejection of the contract submission, IID audit or disciplinary action.

- Prior to execution of the contract, the public adjuster shall review the terms of the contract with the insured and shall provide the Insured with a separate Disclosure Document regarding the claim process and within it all of the disclosure document requirements listed in Iowa Code section 522C.10.

Name

Signature of public adjuster or authorized officer

Business entity name, if applicable

Date

Title, if signing on behalf of a business entity