

STATE OF NEW YORK

9390

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. BERGER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting public adjusters from contacting certain persons regarding a property that has sustained damage from a damaging event within seventy-two hours of such damaging event

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2108 of the insurance law is amended by adding a
2 new subsection (t) to read as follows:

3 (t) (1) For the purposes of this subsection, "damaging event" shall
4 mean any natural or human-made occurrence that results in damage to
5 residential or commercial property, including but not limited to damage
6 or destruction caused by flood, high water, wave action, landslide,
7 mudslide, earthquake, fire, tornado, hurricane, cyclone, windstorm or
8 other storm, infestation, water contamination, explosion, structural
9 collapse, toxic release, or mechanical failure.

10 (2) No public adjuster, or any representative thereof, shall initiate
11 contact with, solicit, or approach any person known to be an owner,
12 occupant, tenant, or other affected party of a residential or commercial
13 property that has sustained damage from a damaging event within seven-
14 ty-two hours after such event has been reported to local authorities.

15 (3) During such seventy-two-hour period, no public adjuster, or any
16 representative thereof, shall come within two hundred feet of the
17 affected property or premises, nor within such distance of any person
18 known to be an owner, occupant, or tenant thereof, except as expressly
19 authorized in writing by the insured or property owner.

20 (4) Any individual who is approached or solicited by a public adjus-
21 ter, or any representative thereof, within seventy-two hours after a
22 damaging event affecting their property shall not be liable for any fee,
23 commission, or charge related thereto. Any fees already paid under such

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 circumstances shall be subject to full reimbursement upon request by the
2 individual.

3 (5) Prior to engaging in any adjusting activity relating to a damaging
4 event affecting residential or commercial property, every public adjuster,
5 or any representative thereof, shall provide written notice to the
6 affected owners, occupants, or tenants informing them of: (A) the prohibi-
7 tions set forth in this subsection, including their right not to be
8 contacted within seventy-two hours following a damaging event; (B) their
9 right to reimbursement of any fees paid in violation thereof; and (C)
10 that hiring a public adjuster means the insurer will direct communi-
11 cations about the claim to the adjuster, or any representative thereof,
12 rather than to the insured. Such notice shall be provided in clear and
13 conspicuous language, in a form prescribed by the superintendent.

14 § 2. This act shall take effect on the ninetieth day after it shall
15 have become a law.