

STATE OF NEW YORK

9390--B

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

Introduced by M. of A. BERGER -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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 forty-eight 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 forty-
14 eight hours following such event.

15 (3) During such forty-eight-hour period, no public adjuster, or any
16 representative thereof, shall come within two hundred feet of the
17 affected property or premises except as expressly authorized in writing
18 by the insured or property owner.

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

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1 (4) Any individual who is approached or solicited by a public adjuster, or any representative thereof, within forty-eight hours after a
2 damaging event affecting their property shall not be liable for any fee,
3 commission, or charge related thereto. Any fees already paid under such
4 circumstances shall be subject to full reimbursement upon request by the
5 individual.

6
7 (5) Prior to engaging in any adjusting activity relating to a damaging
8 event affecting residential or commercial property, every public adjuster,
9 or any representative thereof, shall provide written notice to the
10 affected owners, occupants, or tenants informing them of: (A) the prohibitions
11 set forth in this subsection, including their right not to be
12 contacted within forty-eight hours following a damaging event; (B) their
13 right to reimbursement of any fees paid in violation thereof; and (C) on
14 a claim-specific basis, any limitations, restrictions, or changes to
15 communications with the insurer that may result from the insured's
16 retention of the public adjuster or any representative thereof. Such
17 notice shall be provided in clear and conspicuous language, in a form
18 prescribed by the superintendent, and shall require the insured to
19 acknowledge receipt of such notice in writing or electronically.

20 (6) Nothing in this section shall prohibit an affected owner, occupant,
21 or tenant from initiating contact with a public adjuster during
22 the forty-eight hours following a damaging event.

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