STATE OF NEW YORK

9390--A

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

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:

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

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

(2) No public adjuster, or any representative thereof, shall initiate contact with, solicit, or approach any person known to be an owner, occupant, tenant, or other affected party of a residential or commercial property that has sustained damage from a damaging event within seventy-two hours following such event.

(3) During such seventy-two-hour period, no public adjuster, or any representative thereof, shall come within two hundred feet of the affected property or premises, nor within such distance of any person known to be an owner, occupant, or tenant thereof, except as expressly authorized in writing 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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(4) Any individual who is approached or solicited by a public adjuster, or any representative thereof, within seventy-two hours after a damaging event affecting their property shall not be liable for any fee, commission, or charge related thereto. Any fees already paid under such circumstances shall be subject to full reimbursement upon request by the individual.

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

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