# Market Bulletin



DEADLINE(S):	This follows bulletin Y3506, which noted that pending claims must be adjusted by Friday 25 March 2005		
ACTION POINTS:	Managing agents to note		
ATTACHMENTS:	None		
SUBJECT AREA(S):	Claims in Alabama arising from Hurricane Ivan in 2004		
SUBJECT:	Alabama: Hurricane Ivan		
DATE:	10 March 2005	REF:	Y3515
FROM:	Director, Worldwide Markets	EXTN:	6677

# Purpose of bulletin

To update the market on the local regulatory requirements for the adjustment and settlement of claims arising out of damage caused by Hurricane Ivan in Alabama.

This bulletin follows market bulletin Y3506, issued 1 March 2005, which gave details of a bulletin issued by the Alabama Department of Insurance, requiring all insurers operating in Alabama to take specified action in relation to claims in the state arising from Hurricane Ivan.

# The Department of Insurance Bulletin

Lloyd's local regulatory counsel has met senior representatives of the Alabama Department of Insurance ("the Department") to try to obtain clarification of the Department's bulletin and to discuss any related matters.

The Department's representatives confirmed that their bulletin does not apply to reinsurance claims. It is intended to apply to all classes of direct claims. However, as the Department's primary focus is residential, smaller commercial (especially tourism related) and marine claims, it may decide to exempt offshore energy and other large commercial claims. The Department proposes to issue a follow-up bulletin shortly that we hope will clarify this issue as well as other points that Lloyd's, working with Lloyd's Market Association, has raised.

# Complaints received by the Alabama Department of Insurance

At a subsequent meeting, Lloyd's local regulatory counsel has discussed the general nature of complaints received by the Department against all insurers and managing agents may wish to know what these are. Lloyd's itself has been informed by the Department of just a single consumer complaint arising from Hurricane Ivan, and that is in the process of resolution.

The complaints received by the Department can be grouped as follows:

### 1. Disputes between flood insurance carrier and wind insurance carrier

A number of residents whose structures were completely destroyed by Hurricane Ivan have complained that insurers providing wind insurance have rejected claims in full, stating that the storm surge (rather than wind) was responsible for 100% of the loss suffered by the insured. The Department suggested that an insurer with open wind claims should consider offering some payment to its insured in recognition of likely wind damage incurred prior to the flood.

## 2. Adjusted but unpaid claims

Many residents have complained about delays in receiving payment following adjustment of their claims. The Department asserts that delays have been compounded by a general unwillingness (or lack of authority) among adjusters to extend the 180 day deadline for completion of restoration of the insured structure to receive replacement cost, despite delays in the payment of adjusted claims. The Department considers that an extension is appropriate in such instances.

### 3. "Rolling" adjusters

A number of complaints concern the replacement of the original adjuster after the adjustment process has started and a failure to bring the replacement adjuster up to speed on the status of the claims he has taken over. This suggests that insurers should avoid replacing adjusters if possible and ensure that replacements are properly briefed if necessary.

#### 4. Failure to explain process

The Department is concerned at purported failures of adjusters to explain adequately the claims submission and adjustment process to insureds, including the required submission of a proof of loss.

#### 5. Unreasonable documentation demands

The Department noted that a number of commercial/retail insureds had complained that insurers had made "unreasonable demands" for documentation of inventory and other personal property lost in the hurricane, as well as documentation of loss of income.

As noted above, Lloyd's has received only a single Hurricane Ivan consumer complaint from the Department, so is unable to ascertain whether the reported causes of complaint are valid. However managing agents' claims personnel are encouraged to take the comments into account when seeking to comply with the recent Department bulletin.

# **Further information**

If you have any queries about this bulletin please contact Lloyd's Worldwide Market Services:

Lloyd's Worldwide Market Services Tel: 020 7327 6677 Email: market.services@lloyds.com Box 190b, Gallery 1

This bulletin has been sent to active underwriters and the compliance officers of managing agents and Lloyd's brokers.

Julian James Director, Worldwide Markets