State of New York

Executive Chamber

No. 82

EXECUTIVE ORDER

TEMPORARY SUSPENSION AND MODIFICATION OF PROVISIONS OF THE INSURANCE LAW

WHEREAS, on October 26, 2012, I issued Executive Order Number 47, declaring a disaster emergency in all 62 counties in the State of New York; and

WHEREAS, on October 30, 2012, the President issued a major disaster declaration for the counties of Bronx, Kings, Nassau, New York, Queens, Richmond and Suffolk, on November 2, 2012, extended such declaration to include the counties of Rockland and Westchester and thereafter extended such declaration to include Orange County; and

WHEREAS, Hurricane Sandy brought damaging winds and torrential rainfall causing record flooding and severe storm surges throughout the State of New York that severely devastated the State; and

WHEREAS, the storm caused widespread damage to property throughout the affected counties, creating a substantial need for insurance adjusters to view and assess such damage to ensure that consumers' property/casualty insurance claims are timely processed;

NOW, THEREFORE, I, ANDREW M. CUOMO, Governor of the State of New York, by virtue of the authority vested in me by Section 29-a of Article 2-B of the Executive Law to temporarily suspend or modify specific provisions of any statute, local law, ordinance, orders, rules or regulations, or parts thereof, of any agency during a State disaster emergency, if compliance with such provisions would prevent, hinder or delay action necessary to cope with the disaster, hereby temporarily suspend and modify, as the case may be, for the period from the date of this Executive Order until further notice, the following:

Section 2108 of the Insurance Law, along with any associated regulations, to the extent that they require permanent licensing of public adjusters by the Department of Financial Services (the "Department") so that, for the purposes of this Executive Order only, the Department may issue temporary public adjuster licenses that authorize such temporary licensees to adjust property/casualty insurance claims in the counties of Bronx, Kings, Nassau, New York, Orange, Queens, Richmond, Rockland, Suffolk and Westchester that are commenced during the period for which this Executive Order is effective, as long as: (1) an application for a temporary license pursuant to this order is made on a form prescribed by the Superintendent of Financial Services; (2) such form is signed by a public adjuster who is licensed in this State pursuant to Section 2108 of the Insurance Law; whose license is in good standing; and who will be responsible for both the supervising of the temporary licensee either in an employer/employee relationship or other arrangement whereby the licensed public adjuster has control over the temporary licensee and the satisfactory completion of all

adjustment undertaken by the temporary licensee; (3) the temporary licensee has not had an insurance license revoked, suspended or otherwise terminated for cause in any state in the United States in the last ten years; (4) the temporary licensee has not been charged with, been convicted of, or pleaded guilty to or nolo contendere with respect to a crime or misdemeanor in any state in the United States in the last ten years; (5) the temporary licensee has not been found liable for misrepresentation, fraud, or unethical conduct in any state in the United States in the last ten years; and (6) the temporary licensee is presently licensed in another state as a public or independent adjuster to adjust property/casualty insurance claims; or has 5 years prior experience within the last ten years as a public or independent adjuster adjusting property/casualty insurance claims in the United States; or has been licensed as a public or independent adjuster in New York State within the last 5 years.

GIVEN under my hand and the Privy Seal of the State in the City of Albany this twenty-ninth day of November in the year two thousand twelve.

BY THE GOVERNOR

Secretary to the Governor