

Arkansas Insurance Department

Sarah Huckabee Sanders
Governor



Alan McClain
Commissioner

April 3, 2023

BULLETIN NO. 4-2023

TO: ALL INSURANCE CARRIERS AND ALL LICENSED PRODUCERS AND ADJUSTERS DOING BUSINESS IN THIS STATE, ANY OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: SEVERE STORMS AND TORNADOES OF MARCH 31, 2023

The Arkansas Insurance Department is issuing this Bulletin to assist consumers, individuals, and entities it regulates as they deal with urgent needs caused by the severe weather causing property damage in Cross, Lonoke, and Pulaski Counties on March 31, 2023.

MORATORIUM AGAINST CANCELLATION AND NON-RENEWAL

Due to severe weather occurring in Cross, Lonoke, and Pulaski Counties, Governor Sarah Huckabee Sanders issued a Proclamation to Declare a State of Emergency in Arkansas on March 31, 2023, declaring the State a disaster area. This severe weather has disrupted the lives of many Arkansans through severe damage, physical injury, evacuations, and the loss of basic services.

To assist Arkansas residents struggling to overcome these obstacles, the Arkansas Insurance Department is hereby issuing a sixty (60) day moratorium on the cancellation and non-renewal of personal lines policies for the non-payment of premiums for Arkansans.

This moratorium shall apply to all insurance policies issued which cover risks in Cross, Lonoke and Pulaski Counties.

This moratorium extension is not automatic. To be eligible for the 60-day moratorium, interested policyholders must request this extension from their insurance carriers and must have suffered significant property damage, injuries, or related loss of life as a result of the severe storms occurring on March 31, 2023.

Insurers are encouraged to contact their policyholders in the affected areas and work with them in providing relief under this moratorium. The 60-day moratorium period, where requested by the

policyholder, shall be effective beginning on the date of the issuance of the Proclamation to Declare a State of Emergency in Arkansas.

Policyholders are advised that this moratorium is not a waiver; it is only an extension or grace period in which to pay premiums. Insurers are directed to work with affected policyholders in paying the premiums that become due during the moratorium period by either allowing a payment plan or a further extension of the due date for the amount in full.

This moratorium applies only to cancellation or non-renewals attributed to a failure to pay premiums during the applicable 60-day period.

If a policy is to be cancelled or non-renewed for any other allowable reason, the cancellation or non-renewal may be made pursuant to statutory notice requirements and for legally recognized reasons.


The Department requests that insurance companies take into consideration that persons in the areas affected may be unable to receive a notice of cancellation or non-renewal due to evacuation or delayed postal and electronic delivery service in those areas.

For those policies with an automatic bank draft/electronic funds transfer arrangement, the Department is aware that the policyholder must contact their financial institution for these payments to cease. Therefore, the insurance company may continue deducting those premiums unless the policyholder contacts the insurance company, requests that such temporarily cease, and the policyholder contacts their financial institution and requests that this arrangement temporarily cease.

PUBLIC ADJUSTING PROHIBITED

The Department also reiterates that unlicensed public adjusting is illegal in the State of Arkansas. In the aftermath of a catastrophic event in the state, insurance companies assign adjusters to process claims. Any instance of a person or entity operating without an adjuster's license issued by the Department, or employed by insurer, or seeking compensation from an insured for providing the insured adjusting services who is not a licensed attorney should be reported to the Arkansas Insurance Department at 501-371-2820.

Any questions regarding this Bulletin should be directed to insurance.consumers@arkansas.gov at the Arkansas Insurance Department or by phone at 501-371-2600.


ALAN MCCLAIN
INSURANCE COMMISSIONER
STATE OF ARKANSAS

4-3-2023
DATE



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Proclamation to Declare a State of Emergency in Arkansas



WHEREAS: On March 31, 2023, severe thunderstorms and tornadoes struck Arkansas and continue to cause dangers, hardships, and suffering throughout the state, which in turn, warrants this executive action;

WHEREAS: Great hardship has fallen upon citizens and businesses in Arkansas, as well as public and private properties throughout the state;

WHEREAS: The weather-related damage from this event has created the need for commercial vehicles to haul heavy equipment, oversized loads, transformers, necessary hardware, and other transmission and distribution equipment to line crews for the purpose of restoring power to the citizens of the State of Arkansas;

WHEREAS: There are numerous downed power lines, and it is important to maintain a safe distance from downed power lines and from the line crews and equipment restoring power to the citizens of the State of Arkansas; and

WHEREAS: Pursuant to 49 CFR §390.23, the Governor is authorized to declare a regional emergency for the duration of emergency conditions, not to exceed thirty (30) days from the date of the initial declaration of emergency, and any motor carrier or driver operating a commercial vehicle to provide emergency relief is temporarily exempt from the regulations found in 49 CFR §390 to §399 for the duration of the declared emergency.

NOW THEREFORE, I, SARAH HUCKABEE SANDERS, acting under the authority vested in me as Governor of the State of Arkansas and pursuant to Act 511 of 1973, as amended, do hereby declare that a state of emergency exists in the State of Arkansas as applied to commercial vehicles hauling heavy equipment, oversized loads, transformers, necessary hardware, and other transmission and distribution equipment to line crews for the purpose of restoring power to the citizens of the State.

FURTHERMORE: I do hereby declare that a state of emergency exists in the State of Arkansas as applied to emergency response vehicles such as, but not limited to, utility vehicles, bucket trucks, and electric utility supply trucks responding to the storms and related damage. These emergency response vehicles are authorized to bypass all Arkansas Department of Transportation weigh station facilities through April 5, 2023. This authorization does not include vehicles that require permits to operate on Arkansas' roadways. This authorization does not relieve size and weight restrictions. This declaration only applies to weigh stations and to vehicles traveling in convoy.

FURTHERMORE: I, hereby invoke the emergency executive powers vested in me under Ark. Code Ann. §§12-75-101 et seq., as amended, and suspend all provisions of regulating statutes prescribing procedures for the conduct of the Office of State Procurement, the Arkansas Building Authority, the State Office of Personnel Management, and all other State departments and agencies to render maximum assistance to the Arkansas Department of Energy and Environment and the Arkansas Department Public Safety, through the Arkansas Division of Emergency Management, relative to the removal of any potential impediment to the rapid and orderly remediation of the disposal site and to rendering of assistance to political subdivisions.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed on this 31st day of March, in the year of our Lord 2023.

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