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MISSISSIPPI DEPARTMENT OF INSURANCE
BULLETIN 2006-1
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NOTICE OF CLAIM AND/OR
PROOF OF LOSS STATEMENTS

Pursuant to the Governor's Proclamations dated August 26, 2005, and September 2, 2005, Governor Barbour declared a state of emergency invoking his emergency powers pursuant to Miss. Code Ann. § 35-15-11, and directed state agencies to discharge their emergency responsibilities as deemed necessary as set forth in the State of Mississippi Emergency Operations Plan and Executive Order No. 653, dated November 16, 1990. In accordance with the Proclamations and Executive Order, and Miss. Code Ann. §§ 33-15-11 (b)(9) and 33-15-11 (c)(4), there was a delegation of those emergency powers to the Commissioner of Insurance which allows him, in his discretion, to promulgate emergency regulations and guidelines to promote and secure the safety and protection of the citizens of this State.


On October 24, 2005, the Mississippi Department of Insurance ("Department") issued Bulletin 2005-11 to extend any and all time limits for the submission of any "Notice of Claim" and/or "Proof of Loss" information by the insured to the insurance company to January 31, 2006, provided that a later date did not apply within the terms of the insurance policy. Since Bulletin 2005-11 was issued, there has been some misunderstanding regarding the provisions contained within Bulletin 2005-11 regarding "Notice of Claim" filings and/or "Proof of Loss" statements; therefore, the Department hereby repeals Bulletin 2005-11 and releases Bulletin 2006-1 to clarify the Department's position and set forth new requirements for the benefit of Mississippi policyholders affected by Hurricane Katrina.

With respect to personal and commercial property insurance policies covering structures in Mississippi damaged as the result of Hurricane Katrina, insurance companies shall comply with the following directives:

- It is the understanding of this Department that many insurance companies have waived the requirement of filing a proof of loss statement. However, if an insurance company has not waived the filing of a proof of loss statement and is requiring one to be filed by the policyholder, the insurance company must request in writing to the policyholder that a proof of loss statement be submitted and provide the policyholder with a Proof of Loss form. This written request shall be made even if the terms of the insurance policy do not require the insurance company to make a written request.

- If a policyholder fails to submit a requested proof of loss statement to their insurance company by the date specified by the insurance company, said failure to submit shall not constitute a bar to the policyholder's recovery under the terms of the policy. However, a policyholder should be aware that while failure to submit a requested proof of loss statement within the stated timeframe will not bar their claim, it may substantially delay the processing of their claim. The Department urges all policyholders to exercise reasonable diligence and submit any requested proof of loss statement to their insurance company in a timely fashion. Furthermore, due to the massive devastation caused by Hurricane Katrina, the Department instructs insurance companies to work with the policyholders to establish reasonable timeframes for the submission of proof of loss statements.
- If a policyholder fails to submit a Notice of Claim filing to their insurance company by the date specified by the insurance company, said failure to submit shall not bar the claim; however, the failure to timely file a Notice of Claim may substantially delay the processing of the claim.

If there are any questions concerning this Bulletin, contact the Mississippi Department of Insurance at (601) 359-3569.



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