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NATIONAL COUNCIL OF INSURANCE LEGISLATORS (NCOIL)

Model Act Regarding Insurers' Use of Aerial Images

**Sponsored by Rep. David LeBoeuf (MA) and Rep. Brian Lampton (OH).*

**Draft as of October 2, 2024. To be introduced during the interim meeting of the Property & Casualty Insurance Committee on October 7, 2024.*

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Section 1. Title

This Act shall be known as the [State] Act Regarding Insurers' Use of Aerial Images.

Section 2. Purpose

The purpose of this Act is to honor consumer's traditional rights with regard to property insurance in the face of advancing aerial technologies.

Section 3. Definitions

Definitions of certain key terms will be included in later versions of the Model. Comments are welcome and encouraged as to which key terms should be defined.

Section 4. Insurers' Use of Aerial Images

When utilizing aerial images as part of its coverage determinations, an insurer shall:

- (a) Ensure that a non-renewal notice include copies of date-stamped images of the property that show the specific conditions that are out of compliance with the insurer's underwriting guidelines and what steps the property owner can take to reverse the insurer's decision. Photos must have been taken within the past 12 months.

- (b) Establish a point of contact and a process for currently insured property owners to use to provide documentation of completion of the required work that the insurer communicates to the insured in subsection (a).
- (c) Disclose the risk scoring system criteria used and establish an appeal process so the consumer can correct any errors, misunderstandings related to their risk score and modify the risk score where warranted.
- (d) Provide the currently insured property owner a minimum of 60 days to cure the defects/conditions underlying a non-renewal from the date the insurer identifies the specific conditions, even if that exceeds the non-renewal notice period as set forth in [insert citation to state non-renewal requirements].
- (e) Require an insurer to offer a renewal policy to a consumer who submits proof that they've cured the defects/conditions identified in subsection (a).

Section 5. Rules

The Commissioner shall adopt rules to effectuate the provisions of this Act.

Section 6. Effective Date

This Act shall take effect xxxxxx.