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NATIONAL COUNCIL OF INSURANCE LEGISLATORS (NCOIL)

Model Act Regarding Insurers' Use of Aerial Images

Sponsored by Rep. Matt Lehman (IN) and Rep. Brian Lampton (OH).
Co-sponsored by Rep. Matt Morgan (TX)

Draft as of November 9~~May~~ 18, 2026. To be discussed and considered during the meeting of the Property & Casualty Insurance Committee on November 22~~July 18~~, 2026.

Table of Contents

Section 1. Title
Section 2. Purpose
Section 3. Scope
Section 4. Definitions
Section 5. Insurers' Use of Aerial Images
Section 6. Rules
Section 7. Effective Date

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. Scope

This Act applies to personal insurance and not to commercial insurance or excess and surplus insurance.

Section 4. Definitions

(a) "Aerial image" means an image of a named insured's property captured from an airborne platform.

(b) "Non-renewal" means a termination of property insurance coverage that occurs at the end of the policy term.

(c) "Renewal" means:

(1) the issuance and delivery by an insurer at the end of a policy period of a policy superseding a policy previously issued and delivered by the same insurer; or

(2) the issuance and delivery of a certificate or notice extending the term of an existing policy beyond its policy period or term.

Section 5. Insurers' Use of Aerial Images

When utilizing aerial images as a basis ~~the sole reason~~ for non-renewing a policy, an insurer shall:

(a) Ensure that the non-renewal notice sent to the named insured include copies, or information about how the named insured can request to review copies, of the images of the property that were used to make the decision, including the specific standards that any repairs must adhere to. Photos must have been taken within the past twenty-four (24) months.

(b) Establish a point of contact and a process for the named insured to use to provide documentation of completion of the required work that the insurer communicates to the insured in subsection (a). This documentation must be used by the insurer in considering whether to uphold or reverse the non-renewal.

(c) Establish an appeal process that allows the named insured to correct any errors or misunderstandings related to the non-renewal.

(d) Provide the named insured a time period consistent with notice requirements of this state to cure the defects or conditions underlying a non-renewal after the date the insurer identifies the specific conditions under subsection (a). An insurer shall have the right to assess the work used to cure the defects or conditions to ensure they have been corrected in a manner that meets the standards originally communicated by the insurer in subsection (a).

Drafting Note: States are encouraged to amend their non-renewal notice laws to ensure that the non-renewal notice period is at least 60 days.

(e) Offer a renewal policy to the named insured who submits proof that they have cured the defects or conditions identified in subsection (a). However, an insurer may non-renew the policy but only for a reason unrelated to the defects or conditions identified under subsection (a).

Drafting Note: The provisions in Section 5 relating to communicating standards that repairs must adhere to, providing documentation of work, providing time to cure, and offering a renewal policy are not intended to apply to non-renewal decisions that are not curable by the named insured.

Section 6. Rules

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

Drafting note: As part of the rules adopted to effectuate the provisions of this Act, States may wish to include rules that set forth the minimum and maximum sizes of the photos referenced in subsection 5(a).

Section 7. Effective Date

This Act shall take effect xxxxxx.