

**Emergency Order on Underinsurance -
United States Virgin Islands ::
Office of the Lieutenant Governor :: Osbert E. Potter**

Odingo Davila
4-5 minutes
Emergency Order on Underinsurance Print

For Immediate Release
February 14, 2018

No. 008-18

For More Information Contact:

Petra Matthew, Special Assistant to the Lieutenant Governor

Ph: (340) 773-6449 ext. 3406

Fax: (340) 773-0330

petra.matthew@lgo.vi.gov This e-mail address is being protected from spam bots, you need JavaScript enabled to view it

Facebook: Office of the Lieutenant Governor – US Virgin Islands

VI Government Access Channel: <https://vigov.viebit.com>

**LIEUTENANT GOVERNOR POTTER ISSUES EMERGENCY
ORDER ON UNDERINSURANCE**

Lieutenant Governor Osbert E. Potter, who also serves as Commissioner of Insurance, issued an Emergency Order to all property and casualty insurance companies licensed and authorized to conduct business in the U.S. Virgin Islands.

According to the Lieutenant Governor, **“The Order, which is effective immediately and dated February 12, 2018, requires insurance companies to conduct a second review of each Hurricane Irma and Hurricane Maria related claim for which a determination of ‘underinsurance’ was made.”**

As announced by Division Director Gwendolyn Hall Brady during the Lieutenant Governor’s January 30, 2018 Press Conference, the Order was generated as a direct result of numerous underinsured-related complaints that homeowner’s insurance policyholders filed with the Division of Banking, Insurance, and Financial Regulation after the two hurricanes. Underinsured means the amount of homeowner’s insurance held on the property is insufficient to cover the total dollar amount of losses to the property. Generally, underinsured is associated with the policyholder’s failure to coinsure no less than 80% of the property’s value.

The Order mandates that:

- 1. The insured must be notified of the insurer’s finding in writing within three (3) weeks after the second review is completed;**

2. Every Property and Casualty Insurance Company licensed and authorized by the Commissioner of Insurance to conduct insurance business in the Territory is required to provide to its homeowner policyholders a full explanation of the term “underinsured”; and

3. Each policyholder must sign a document evidencing that their agent has provided a full explanation of the term “underinsured” and how the conditions will affect their ability to receive the full benefits of insurance coverage in order to restore the insured property in the event of a catastrophe or any loss covered under their policy.

[AJW Note: It seems to me that this provision is a tacit admission that the agents and brokers did not do this before Hurricane Irma, and as such creates an inference that the brokers breached their fiduciary duties and were negligent with respect to their customers, and as to the agents, then this same inference applies to the insurance companies they represent. This opens up a lot of claims for us to pursue & possibly a class action against AARP]

“With the issuance of this Emergency Order, we have placed the responsibility on all insurance companies within the Territory to properly notify and educate their policyholders on the issue of “underinsurance”. Once educated about underinsurance, the policyholder can then make an informed decision as to what will be covered under the policy and will therefore have a full understanding of the impact of their decision to purchase a policy that does not offer full coverage of their property. This Emergency Order is in the best interest of protecting our consumers.” stated Lieutenant Governor Potter.

The Division also drafted a brochure on “How to Avoid Being Underinsured”, which will be distributed to all licensed property and casualty insurance companies, licensed insurance agencies, as well as to local banks, in an effort to inform the public about the risks of underinsurance.

Homeowner’s insurance policyholders should contact their insurance agent and company for more information on their insurance coverage. Consumers may also contact the Division of Banking, Insurance and Financial Regulation on St. Thomas at 340-774-7166 and on St. Croix at 340-773-6459, or visit the Division’s website at ltg.vi.gov for more information on banking, insurance and financial regulation services.

###