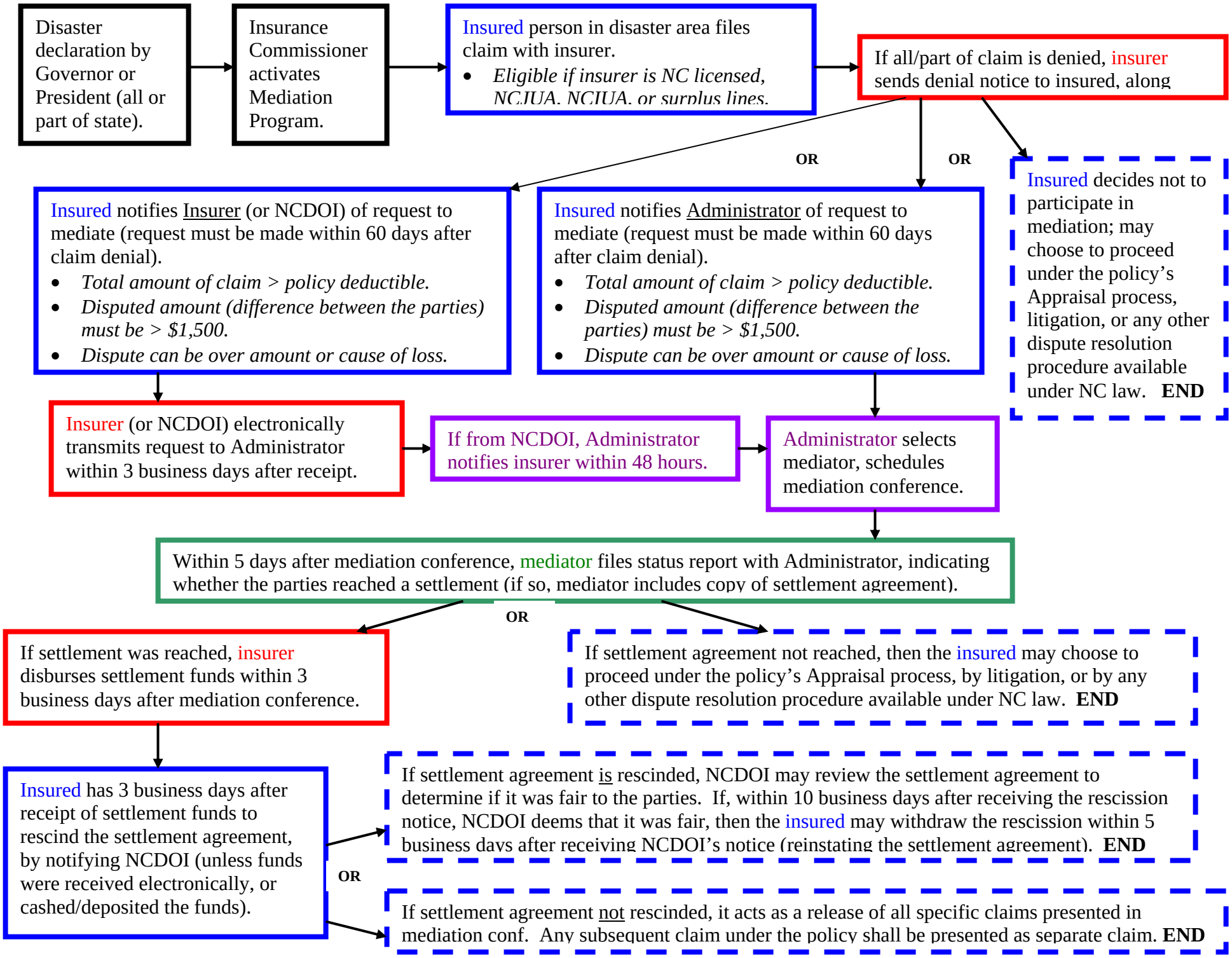
Disaster declaration by Governor or President (all or part of state).
Insurance Commissioner activates Mediation Program.
Insured person in disaster area files claim with insurer.
• Eligible if insurer is NC licensed, NCJUA, NCIUA, or surplus lines.
If all/part of claim is denied, insurer sends denial notice to insured, along
OR
OR
Insured decides not to participate in mediation; may choose to proceed under the policy's Appraisal process, litigation, or any other dispute resolution procedure available under NC law. END
Insured notifies Insurer (or NCDOI) of request to mediate (request must be made within 60 days after claim denial).
• Total amount of claim > policy deductible.
• Disputed amount (difference between the parties) must be > $1,500.
• Dispute can be over amount or cause of loss.
Insured notifies Administrator of request to mediate (request must be made within 60 days after claim denial).
• Total amount of claim > policy deductible.
• Disputed amount (difference between the parties) must be > $1,500.
• Dispute can be over amount or cause of loss.
Insurer (or NCDOI) electronically transmits request to Administrator within 3 business days after receipt.
If from NCDOI, Administrator notifies insurer within 48 hours.
Administrator selects mediator, schedules mediation conference.
Within 5 days after mediation conference, mediator files status report with Administrator, indicating whether the parties reached a settlement (if so, mediator includes copy of settlement agreement).
OR
If settlement was reached, insurer disburses settlement funds within 3 business days after mediation conference.
If settlement agreement not reached, then the insured may choose to proceed under the policy's Appraisal process, by litigation, or by any other dispute resolution procedure available under NC law. END
Insured has 3 business days after receipt of settlement funds to rescind the settlement agreement, by notifying NCDOI (unless funds were received electronically, or cashed/deposited the funds).
OR
If settlement agreement is rescinded, NCDOI may review the settlement agreement to determine if it was fair to the parties. If, within 10 business days after receiving the rescission notice, NCDOI deems that it was fair, then the insured may withdraw the rescission within 5 business days after receiving NCDOI's notice (reinstating the settlement agreement). END
If settlement agreement not rescinded, it acts as a release of all specific claims presented in mediation conf. Any subsequent claim under the policy shall be presented as separate claim. END