

BIG I | MISSISSIPPI

INDEPENDENT INSURANCE AGENTS OF MISSISSIPPI

VOLUME 44 • NUMBER 2 • SUMMER 2024



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FROM THE COMMISSIONER

by Mike Chaney
INSURANCE
COMMISSIONER

I'm proud to share good news coming out of the 2024 Legislative Session. The Comprehensive Hurricane Damage Mitigation Program is now funded using \$5 million from the Mississippi Surplus Lines Association (MSLA). Once the program is up and running, Mississippi residents of the lower six counties will be able to apply for \$10,000 grants to make their home resistant to wind damage by retrofitting their home to the FORTIFIED™ standard. I want to thank the legislature and Governor Tate Reeves for supporting this legislation.

This funding mechanism is an answered prayer. As you are well aware, rate increases have put a strain on many homeowners. With funding in place, we can now do something positive and offer some relief to policyholders. I had asked the legislature to extend the program statewide, since over 60% of the funding comes from outside the coast, but politics blocked the expansion. We will continue the efforts to provide statewide benefits and increase funding during the 2025 session. MID has created a webpage with Frequently Asked Questions on our website (www.MID.ms.gov). We will update it monthly as more information about the program becomes available.

Predictions show the 2024 Atlantic hurricane season to be a busy one. Please communicate with your clients to review their insurance needs. Make sure they understand things like multiple peril insurance and Named Storm Deductibles so that they are not caught off guard should we see a big storm this season.

Lawmakers also passed legislation that authorizes my office to establish and operate a state-based healthcare insurance exchange under the Affordable Care Act (ACA). I believe the exchange could save the state money and bring more health insurance options to Mississippians. I estimate that the state could save \$137-\$196 million over five years by switching to a state-based exchange with estimated annual operating costs at \$18-\$27 million.

There's also a change to law regarding public adjusters. HB 819 takes effect July 1, 2024. The amended law clarifies that, if an insurance company has extended a written settlement offer to the insured before the insured contracts with the public adjuster, the public adjuster is entitled to receive 10% of the amount of settlement in excess to the written offer. The revision sets new standards to ensure that a public adjuster does not have a conflict of interest in adjusting a claim. It also prohibits a public adjuster from having a financial interest in any business that may be in connection with the salvage or repair of the claim and ensures that a public adjuster shall not participate in the reconstruction, repair or restoration of a damaged property he is adjusting.

My office also saw the passage of two roofing bills. HB 1408 revises the definition of "roof system" in existing law to include roof framing and roof ventilation system and amends certain consumer protection provisions. Violations by residential roofing contractors will be subject to the Mississippi Consumer Protection Law, under the revised law. The other roof bill, SB 2130, prevents an insurer from canceling or non-renewing homeowners' coverage solely because of the roof's age.

In closing, I'd like to update you on staff changes within the department. Chad Bridges has been named Director of the Financial and Market Regulation Division. Andy Case has been appointed Director of the Property and Casualty Rate Filing Division. And Ryan Blakeney will serve as the new Director of the Consumer Services Division after serving as the Deputy Director for more than eight years.

I'm pleased with the work my staff is doing and know that these staff changes will only further our mission of assisting Mississippi insurance consumers. If my office can help you in any way please reach out. As always, I am happy to assist you.

A man and a woman are smiling and embracing each other in front of the Eiffel Tower in Paris. The man is wearing a pink and white striped polo shirt and blue pants. The woman is wearing a blue sleeveless top, a light gray scarf, and sunglasses on her head. They are standing on a stone ledge with the Seine River and a bridge in the background. The Eiffel Tower is the central focus of the background.

MEET THE IIAM CHAIRMAN

Seldon Van Cleve

Background

I was born into an insurance family in Indianola and spent summers going to the Big I conventions at the Broadwater Beach Hotel and Sandestin Hilton. After graduating from Indianola Academy, I earned my degree in general business with an insurance minor from the University of Mississippi. I met my wife, Michelle, during college, and we just celebrated our 30th wedding anniversary. We have three sons - Woods, an Ole Miss grad working as a Junior Account Executive for CAE in Dallas; Ben, an Ole Miss grad working as an Assistant Director of Development for the Ole Miss Athletics Foundation; and Whit, an Ole Miss junior.

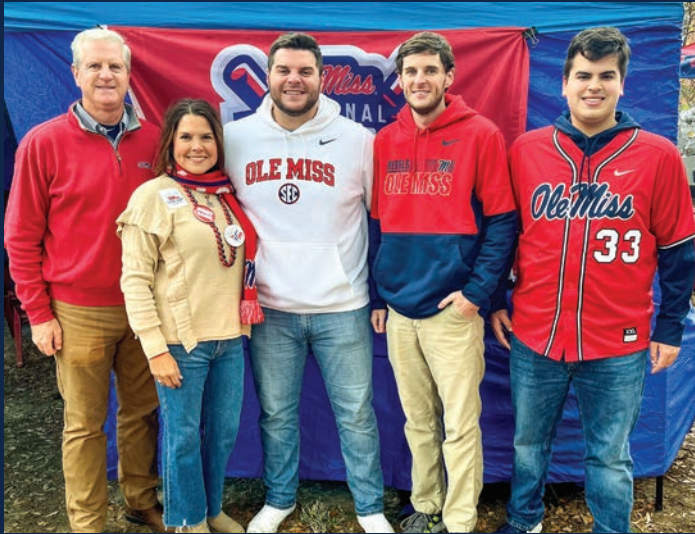
Describe your career path which led you to be an independent agent.

My grandfather started our family agency in 1932, and my father joined him in 1964. I actually didn't think I wanted to follow that career path, so after graduating from Ole Miss, I moved to Jackson and had a couple of odd jobs. My favorite was as a veterinary assistant, and I considered applying to vet school. However, when I realized how many more semesters and science class prerequisites it required, my dad's offer to go back home and join the agency was suddenly more appealing.

How did you become involved with Big I Mississippi?

Our agency is a long-time IIAM member, and my father served as the 1992-1993 Chairman. I started participating in Young Agent events in 1993 and really enjoyed meeting others in the industry who were my age. When I served as the Young Agent chairman in 2001, I got hooked on the inner workings of our association and knew then that I wanted to continue to be





involved and hoped to someday be elected Chairman. Through the years, I have enjoyed serving many different chairmen on their executive committees and boards while learning so much from their leadership.

What do you think is the biggest challenge of running an agency today?

I find that keeping up with so many industry changes and wearing so many different hats is a daily challenge. Being a smaller agency, I can't afford to specialize in one line of business. One phone call may be adding a \$350,000 combine to a farm policy, and the next may be assisting an elderly customer getting a windshield fixed.

What are you looking forward to most during your time as Chairman?

I am looking forward to leading this great association through a productive year while we work hard to overcome the hurdles of a hard market and the M&A trends. I'm also excited to work with our wonderful staff, who continually amaze me with fresh ideas that keep our association relevant and vibrant.

How has your Big I Mississippi membership helped you both personally and professionally?

Personally, it's no doubt the number of friendships and great people my family and I have met through the years. Professionally, I have benefitted from working alongside successful people that have pushed me to be a better producer and agency owner.

LIGHTNING ROUND

What is your favorite place to go?

I have more than one favorite place. I love football weekends in Oxford, tailgating before watching the Rebels play in Vaught-Hemingway. I love being on a golf course anywhere. Mostly, though, I really love traveling anywhere with my wife. We especially enjoy the mountains, the Caribbean, and, most recently, Italy, France, and England.

What is a fun fact people may not know about you?

- I am a two-time State of Mississippi duck calling champion.
- I have run six half-marathons.
- I am a regular blood donor and have donated more than eight gallons during my lifetime.

Advice you would give to your 25-year-old self.

Don't get frustrated when you start in this industry. It's a marathon, not a sprint. Those mistakes and tough lessons are preparing you for the future. Learn from them. Also, enjoy your family. It can't be all work, work, work.

AGENCY MANAGEMENT CONFERENCE

ELEVATING
AGENCY
LEADERSHIP

The 2024 Agency Management Conference was held on February 15 and 16 at the Country Club of Jackson. On the first day, speaker Virginia Bates presented a class called “What Management Reports You Should Be Using.” Afterward, a mini trade show called Meet the Companies reception was held. We had a fantastic turnout at this year’s reception, with 30 exhibitors. This event is an excellent time for company reps and agents to network and create great lasting industry relationships.

On the second day, speaker Carey Wallace presented a class called “Redefining Your Team and the Benchmarks – The Power of VAS, BOTS, & AI.” The second day started with an enjoyable breakfast where Chairman Gwen Jolly gave an update on association affairs. We would like to thank our many sponsors that helped make this year’s conference so successful! We are already excited about next year’s Agency Management Conference and will release the dates soon.





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BIG I | MISSISSIPPI InsurCon 24

Agents and company representatives traveled from all over the state to attend InsurCon24 which was held on June 9 -12 at the Sandestin Hilton in Destin, FL. The event was kicked off with a strongly attended trade show, featuring 59 booths, where company representatives could network with agents. Later that evening, Chairman Gwen Jolly kicked off InsurCon by welcoming all of our great attendees to the reception.

After a first great day, attendees and their families spent the next day enjoying beach activities, which included volleyball, a sandcastle contest and much-needed ice cream on such a hot summer day! After everyone enjoyed the beach, we all gathered for Monday Night Fever and rounds of bingo! Later that evening, everyone got to try their luck at the famous treasure chest, plus a new addition After-Hours Karaoke.

On Tuesday, we held our General Session. Our keynote speaker this year was Jody Fuller, who filled our morning with great stories and loads of laughter across the room. The association members elected this upcoming year's officers. The association's 2024 -2025 officers are Seldon Van Cleve of Indianola, Chairman; John Morgan

Mims of Meridian, Chairman-Elect; Jon Pointer of Ridgeland, Vice Chairman; Scott Gray of Meridian, National Director; and Durr Boyles of Jackson, Treasurer. Newly elected to the Board of Directors for a three-year term are Stan Gartman, Clint Hanson, Jared Thames, and David Krouse. Chairman Seldon Van Cleve has appointed the following Executive Committee to serve with the elected officers for the upcoming year: Gwen Jolly, Past Chairman; Kelsey Sims, Young Agents Chairman; Terry Pendley of Hazlehurst; Roger Elfert of Jackson; Richard Mattiace of Ocean Springs; Bradley Tyler of Kosciusko; Jason Ryder of Starkville and Cyndi Tullos of Ridgeland.

After our General Session was adjourned, attendees made their way to the beach to make sure to sign up for the new and improved Young Agent PAC Cornhole Tournament supporting our IIAM-PAC. As always it filled the afternoon with fun, networking, and of course friendly competition until it was time for Fish on the Deck. We concluded the day with a night on the beach with the loved Chairman's Crab chase and a relaxing time at Bonfire on the Beach.

On the last day, we had our Farewell Breakfast. This breakfast is a great way to take time and enjoy the last part of the convention and honor members who have done outstanding work in the insurance industry and for our association.

The James Henry Johnson Memorial Award was presented to Sen. Dean Kirby for distinguished service to the insurance industry. This award was created in memory of the late Col. J. H. Johnson by his son, O. Shaw Johnson, Sr., of Clarksdale, in the interest of furthering the insurance business.

Two very deserving members of our association received special awards for their outstanding service to our association and industry. Derek Sinclair with Jencap was awarded the Company Representative of the Year award, and Imperial PFS received the Top Partner award.

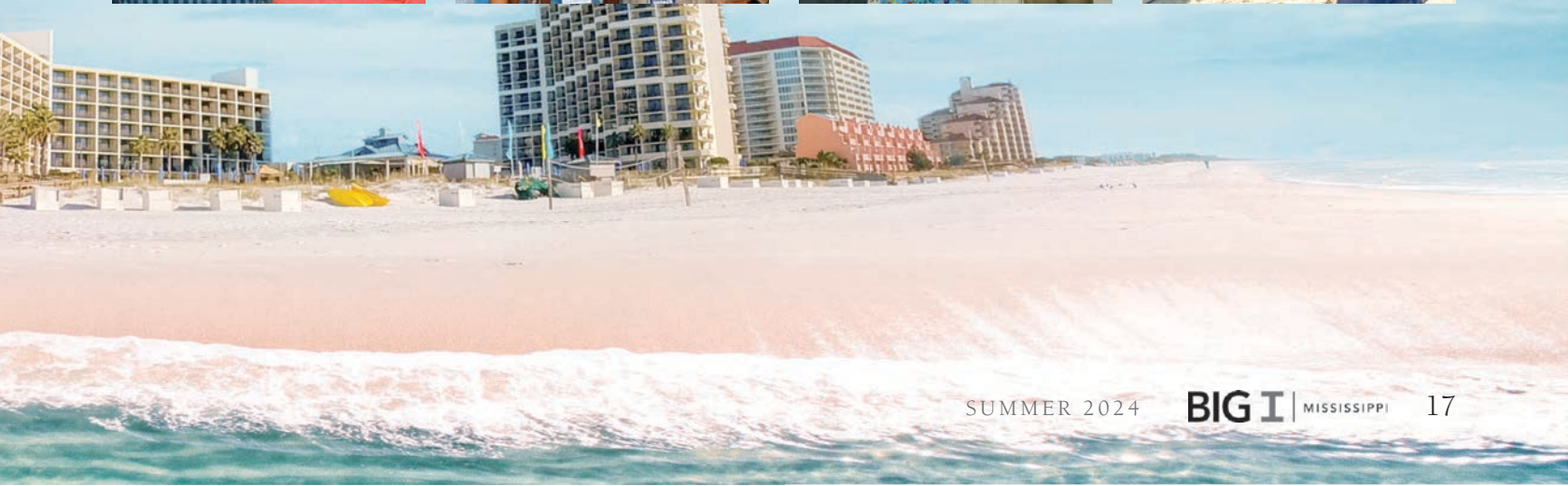
We would like to thank our many sponsors that helped make this year's InsurCon so successful! We are already excited about InsurCon25 scheduled for Sunday, June 8 through Wednesday, June 11.













THANK YOU TO OUR BIG I | MISSISSIPPI InsurCon 24 SPONSORS

Bonfire at the Beach	Jencap
Chairman's Crab Chase	Summit
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Registration Refreshments	Safeway Insurance Group
General Session	Safeco Insurance
General Session	Liberty Mutual Insurance
Convention Program and Event App.	Assurant
Early Riser Coffee.	Big I Employee Benefits
Farewell Breakfast.	The National Security Group
Fish on the Deck.	Progressive Insurance
Welcome Cocktail Party	TAPCO Underwriters
Welcome Cocktail Party	CRC Group
Kids Nite Out	FCCI Insurance Group
Children's Door Prize.	FCCI Insurance Group
Monday Night Fever	EMC Insurance
Newsletter.	Mathison Insurance Partners
Ice Cream by the Pool.	Accident Fund Insurance Company
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Beach Chairs	TPI- Tim Parkman, Inc.

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	Safeco Insurance
Treasure Chest	Wright Flood
Family Bingo	Amwins
	Coastal American Insurance Company
	Openly
	RiverLand Roofing
General Session Grand Prize	Mathison Insurance Partners
Young Agent PAC Cornhole	
Tournament Prizes.	Berkley Southeast Insurance Group
"Quench Your Thirst" Beach	
Refreshments	Berkley Southeast Insurance Group & MMA Insurance Services
Fish on the Deck Drinks	Buefire Insurance
	Burns & Wilcox
	Coastal American Insurance Company
	Maron Marvel Bradley Anderson & Tardy LLC
	RiverLand Roofing
Ladies' Door Prize	Beasley General Agency/BGA Finance
"Quench Your Thirst" Drawing . . .	Berkley Southeast Insurance Group
\$500 Amazon Gift Card	LUBA Workers' Comp
\$4,000 Cash Prize	Imperial PFS
Bonfire Drinks	Bluefire Insurance
	Builders Mutual Ins.
	Burns & Wilcox
	Coastal American Insurance Company
	Maron Marvel Bradley Anderson & Tardy LLC
	RiverLand Roofing
Registration Giveaways	Big I Professional Liability



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Jackson
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Gwen Jolly
Aberdeen
Past Chairman



Kesley Sims
Ridgeland
Young Agents Chairman



Roger Elfert
Jackson



Terry Pendley
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Jason Ryder
Starkville



Cyndi Tullos
Ridgeland



Richard Mattiace
Ocean Springs



Bradley Tyler
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To keep your agency thriving.

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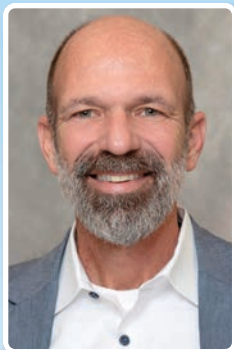
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MEET OUR NEW BOARD MEMBERS



Stan M. Gartman

How did you get your start in the insurance industry?

In 1998 I ended a corporate position, and a friend suggested insurance as a possibility. I became an agent with Mississippi Farm Bureau and began a journey that has become a passion and joy.

What inspires you?

People with a positive mindset who are pursuing a worthy idea or goal inspire me the most, they keep the bar high. This is the type of people I try to surround myself with. Let's face it, almost every great thought has already been processed and repeated in different ways or settings throughout history. However, the greatness of thought is nothing without people putting great thoughts into action and in pursuit of a worthy goal. As for me, it's family, friends, and mentors who edify and push me beyond the status quo to reach for the stars.

What aspect are you looking forward to the most on the Big I Board?

The opportunity to connect and work with some of the best and most productive minds in our industry to learn, grow, and protect the integrity of insurance in our state.

What's the favorite part of your job?

People. Meeting new people, finding a common link to individually connect with them, forming a relationship, and educating them about an industry that usually conjures anxiety and misunderstanding in their hearts. In short, I like increasing their understanding and knowledge of insurance, giving them a new perspective to make educated choices that are better for everyone. And, if I'm being totally honest, having the ability to see 2 of my 3 sons grow in an industry that has provided my wife and me with the financial means to provide and raise our family.

What would we find you most likely doing on the weekend?

Spending as much time with my family as possible. You may find me on a tractor or working on a personal hobby or project. Or you might find me traveling with my wife of 35 years, because of one thing I've always told her: "Baby, should you ever decide to leave me then... I'm going to pack my bags and I'm going with you!"



Clint Hanson

How did you get your start in the insurance industry?

My aunt had been with our agency for a while and she along with some others thought I would fit well in the industry.

What inspires you?

My desire to be a better person and be the best that I can be at whatever I'm doing.

What aspect are you looking forward to the most on the Big I Board?

This association means so much to me and our industry, being able to play a part in making sure that we stay strong and keep moving forward is what I'm looking forward to the most.

What's the favorite part of your job?

My favorite part of the job is when I'm able to solve a problem in a difficult situation.

What would we find you most likely doing on the weekend?

You better call or text me because you'll rarely catch me doing the same thing.



David Krouse

How did you get your start in the insurance industry?

In 2011 I had the opportunity to open an agency in Oxford, MS with a family member who is originally from Amory, MS. We opened Hollis & Krouse as a P & C agency serving North MS with a focus on commercial business.

What inspires you?

My faith and family.

What aspect are you looking forward to the most on the Big I Board?

Meeting other agents from around Mississippi and working on issues that will help us grow in this volatile environment.

What's the favorite part of your job?

Assisting families and businesses solve their insurance needs.

What would we find you most likely doing on the weekend?

This is easy, spending time with my family or playing golf.



Jared Thames

How did you get your start in the insurance industry?

My dad put me to work at the agency when I turned 16. I became licensed at 20 and I've been trapped in it ever since!

What inspires you?

The constant and overwhelming fear of being homeless and hungry!

What aspect are you looking forward to the most on the Big I Board?

I enjoy being informed about changes/problems that we as insurance agents face and how those issues may impact our clients. I enjoy that we, The Big I, have an incredible opportunity to do something about those changes/problems by being a voice for our industry.

What's the favorite part of your job?

There are a lot of perks, but my favorite part is being useful and helpful to the clients we serve.

What would we find you most likely doing on the weekend?

On the weekend, I am dad. I have two young children Nathan (4) and Lauren (8 mo). You can catch me in the swimming pool, playing with Ninja Turtles, cleaning up messes, watching Karate Sheep, and looking at the clock for bedtime!



The State of Tech in Independent Insurance Agencies

JUNE 2024



Scan for full report

Partnering with Big "I" state associations, Catalyit surveyed independent insurance agencies across the country to learn about their current tech stack. Agencies shared what solutions they're using and how they would rate them.

This report shares findings from that survey, and insights on how each area impacts agency value.

Catalyit.com

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Edition 3

About This Report

RESPONDENT PROFILE

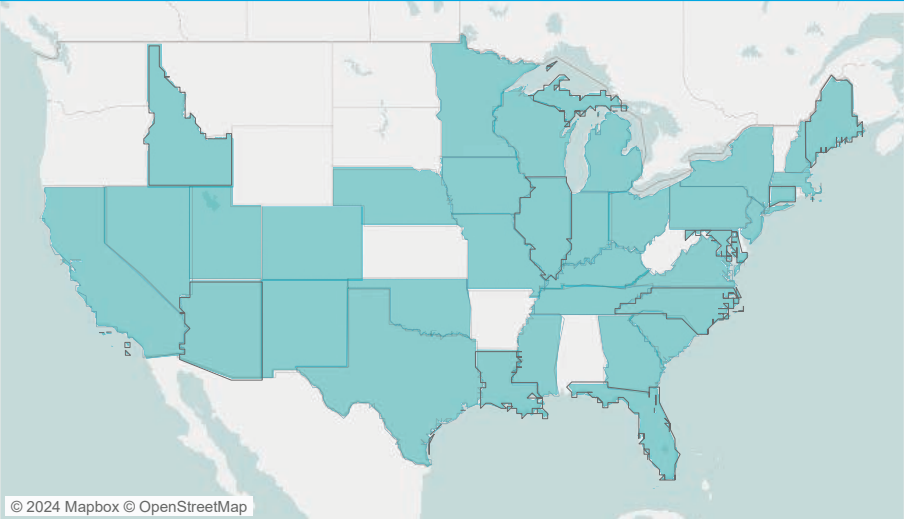
The source of the data presented was gathered from the Catalyit Tech Stack Survey in 2024.

Number of Employees	# of Agency Responses	% of Total Responses
1-5	169	38%
6-10	93	21%
11-20	73	17%
21-50	42	10%
51-100	2	0%
Over 100	60	14%

Agency Size by Total Revenue	# of Agency Responses	% of Total Responses
Less than \$500K	78	18%
\$500K to \$1MM	85	19%
\$1MM to \$2MM	93	21%
\$2MM to \$3MM	50	11%
\$3MM to \$5MM	49	11%
More than \$5MM	84	19%

Participating States

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Florida	New Jersey
Georgia	New Mexico
Idaho	New York
Illinois	North Carolina
Indiana	Ohio
Iowa	Oklahoma
Kentucky	Pennsylvania
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Maine	Tennessee
Maryland	Texas
Massachusetts	Utah
Michigan	Virginia
Minnesota	Wisconsin
Mississippi	



READING THE DATA

Data has been self-reported by agency leaders and staff using their knowledge and interpretations of internal platforms. Agents rated the technology they use from one to five stars. Responses have been aggregated, and top trends are included here. Many additional platforms were shared but did not reach the threshold to be mentioned. Due to rounding, when adding the percent utilization of all solution providers in a category, the total percentage may be just above or below 100%. A dash (-) is used where ratings were not provided.

QUESTIONS

Catalyit.com | hello@catalyit.com | 614.954.0957



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Agency Management System

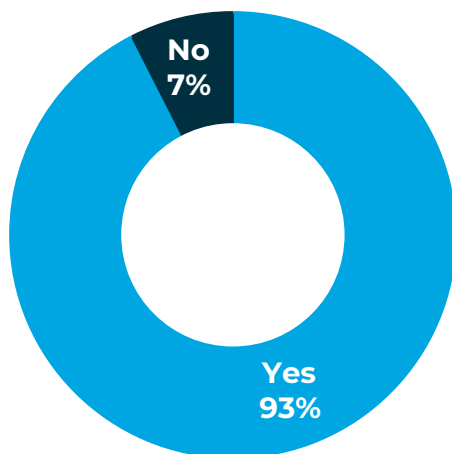
Catalyit Success Journey Milestones:

Baseline

Better

Best

Agencies using an agency management system



(Percentage based on 441 agency responses)

Most Used	% Use	Avg. Rating
Applied Epic	27% (31% in 2023)	3.9
AMS360 (Vertafore)	21% (25% in 2023)	3.9
HawkSoft	11% (8% in 2023)	4.4
EZLynx (Applied)	10% (10% in 2023)	3.9
Applied TAM	9% (8% in 2023)	4.0
QQCatalyst (Vertafore)	4% (4% in 2023)	4.2
Partner Platform (Zywave)	3% (2% in 2023)	3.4
Sagitta (Vertafore)	2% (1% in 2023)	-
Newton (Agency Systems)	2% (2% in 2023)	3.3
Nexsure (Dyad)	1% (1% in 2023)	4.4
Other	10%	4.2

CATALYIT GOES DEEPER

An AMS is vital for managing daily operations, tracking client interactions, policy administration, and tracking marketing and sales activity. Every agency has an AMS option. The key decision is which AMS platform best fits the agency's needs. By a slight margin, Applied Epic is the most popular system. Applied, Vertafore, and HawkSoft products dominate the market.

AGENCY VALUE IMPACT

Utilizing an AMS directly impacts how easily an agency's customer information can be located, reported on, and transferred. The absence or poor usage of an AMS can impact the efficiency and the transferability of an account, which will directly impact the agency's transition costs, confidence in the information, and the expected ongoing performance.

- Carey Wallace, Founder of AgencyFocus



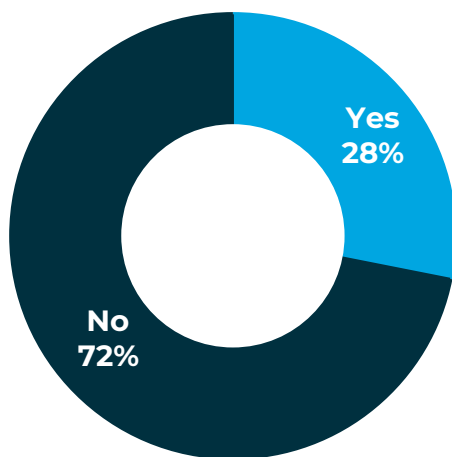
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Customer Relationship Management (CRM)

Catalyit Success Journey Milestones:

Best

Agencies using a CRM system



(Percentage based on 441 agency responses)

Most Used	% Use	Avg. Rating
AgencyZoom (Vertafore)	25%	3.8
Salesforce	12%	3.8
ClientCircle	9%	3.7
Levitare	9%	4.3
Agency Revolution	8%	4.3
InsuredMine	6%	3.6
HubSpot	3%	3.0
Constant Contact	2%	5.0
InsurGrid	1%	4.0
b atomic!	1%	5.0
Better Agency	1%	3.0
Other	24%	3.8

CATALYIT GOES DEEPER

CRM utilization is on the rise for prospecting, sales pipeline tracking, and marketing. AgencyZoom (Vertafore) is currently the leader with 25% usage, and there is a growing number of Salesforce implementations. Integration with an AMS is essential. CRM software assists agents in managing client engagement and new leads, automating marketing follow-up, and analyzing customer behavior.



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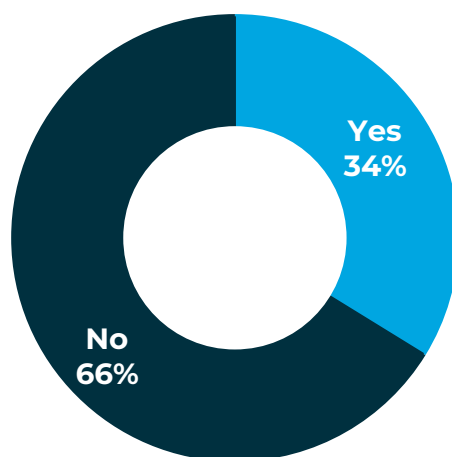
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Cybersecurity

Catalyit Success Journey Milestones:

Better

Agencies using a cybersecurity platform/vendor



(Percentage based on 441 agency responses)

Most Used	% Use	Avg. Rating
Local IT Provider	32%	4.3
KnowBe4	16%	4.3
Managed In-House	8%	4.1
AppRiver	3%	4.3
CyberFin	3%	4.5
Rhodian Group	2%	4.5
Motiva	2%	4.5
Redbird Security	2%	4.5
SCS	2%	3.0
Archway Computer	1%	4.0
BlueZone Cyber Solutions	1%	5.0
Other	30%	4.1

CATALYT GOES DEEPER

Cybersecurity is crucial for safeguarding customer data. Surprisingly, 66% of respondents do not have a cybersecurity solution. Most rely on local IT providers, who may specialize in something other than cybersecurity. Cybersecurity solutions typically include antivirus software, firewalls, encryption tools, and employee training. Independent agents handle sensitive client data, exposing them to potential financial loss, damage to their reputation, and legal liability resulting from data breaches. These risks can be mitigated by implementing cybersecurity solutions, allowing agents to maintain their reputations as trusted business partners.



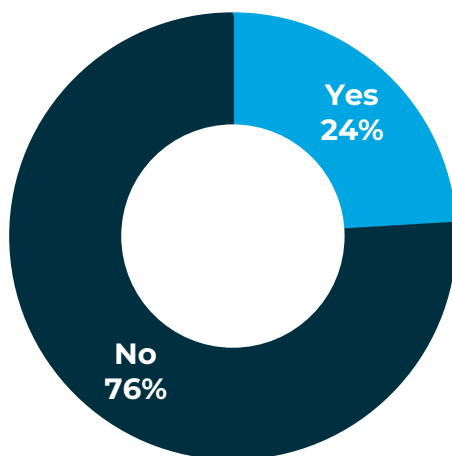
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Quoting - Commercial Lines

Catalyit Success Journey Milestones:

Better

Agencies using a quoting system/rating platform for commercial lines



(Percentage based on 441 agency responses)

Most Used	% Use	Avg. Rating
Tarmika (Applied)	26%	3.1
Applied Rater	13%	3.9
Semsee	10%	3.9
EZLynx (Applied)	7%	3.3
Bold Penguin	7%	3.0
Commercial Submissions (Vertafore)	5%	3.3
Zywave	4%	4.5
Appulate	4%	3.7
RATE! (NowCerts)	2%	4.0
HawkSoft	2%	4.5
Other	19%	3.5

CATALYIT GOES DEEPER

Small commercial quoting platforms significantly reduce the cost of acquiring this class of business. Modern quoting platforms provide tools for tracking quote status and generating follow-up tasks, enabling agents to manage their sales pipeline effectively and close deals. Tarmika (Applied) is the leader in the commercial quoting platform market. New players like QuoteWell are emerging as promising solution providers. Independent agents can save time, reduce errors, and increase sales productivity and revenue using commercial quoting platforms.



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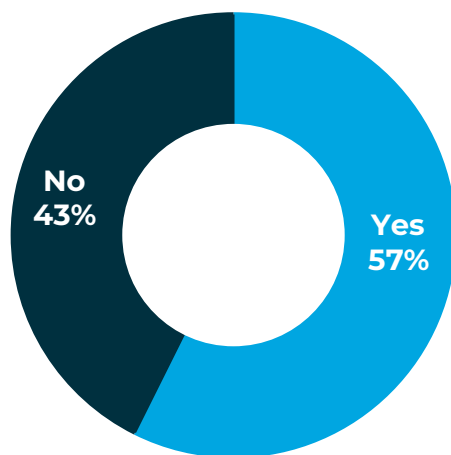
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Quoting - Personal Lines

Catalyit Success Journey Milestones:

Better

Agencies using a quoting system/rating platform for personal lines



(Percentage based on 441 agency responses)

Most Used	% Use	Avg. Rating
PL Rating (Vertafore)	42%	3.8
EZLynx (Applied)	29%	3.9
Applied Rater	14%	3.6
Epic Quotes (Applied)	4%	3.7
TurboRater	3%	2.8
Silverplume	1%	3.0
QuoteRush	1%	4.0
RiskAdvisor	1%	4.5
Other	6%	3.6

CATALYT GOES DEEPER

Personal lines quoting platforms have been in use for some time. These platforms allow agents to quickly and easily create professional quotes customized to clients' needs and preferences. By providing various templates and customization options, quoting platforms save time, improve accuracy, and enhance the client experience. Additionally, they help agents keep track of issued quotes, monitor pending deals, and establish an effective lead follow-up process. The top 3 personal lines quoting platforms are PL Rating (Vertafore), EZLynx (Applied), and Applied Rater/Epic Quotes, with 89% of respondents using one of these tools.



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Relationships at Work

2024 AMENDMENTS TO MISSISSIPPI'S INSURANCE BENEFITS

ROOFING REPAIR CONSUMER PROTECTION ACT

By: David A. Barfield

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In the 2024 legislative session, the Mississippi Legislature adopted House Bill No. 1408 which amended Mississippi's Insurance Benefits Roofing Repair Consumer Protection Act found at Miss. Code Ann. §75-24-301 et. seq. The amendments were signed into law by approval of Governor Reeves on May 8, 2024. The amendments become effective on July 1, 2024. The Independent Insurance Agents of Mississippi strongly supported this legislation and worked for its passage.

APPLICATION OF THE ACT IN GENERAL.

The act applies to a residential roofing repair contract under which a person has contracted with a residential roofing contractor to provide goods or services which are expected to be paid, in whole or in part, from the benefits of a property and casualty insurance policy. The act is designed to protect consumers from unscrupulous and/or predatory practices of roofing contractors which might lock the insured into a repair contract before knowing if their roof damage claim would be covered by insurance.

The act gives the insured the right to cancel a contract within three days after notification by the insurer that the roof damage is not a covered loss. The insured is required to send a notice of cancellation

on a form provided by the contractor or on a similar form. If the contract is canceled, any payments which have been made under the repair contract, except for emergency services and repairs approved by the insured or subsequently approved by the insurance company and already performed by the contractor, will be returned to the insured within ten (10) business days following receipt by the contractor of the cancellation notice. If a contractor commences work before the insured's right to cancel has expired, the contractor is not allowed to receive payment for such work, in excess of the scope of work and amount of payment approved by the insurer, if any. Under such circumstances, the contractor undertakes such work at his own risk that the work may not be covered by the insurance policy. However, if the contractor has performed any emergency services, the contractor is entitled to the reasonable value of such emergency services.

Emergency services, as defined by the act, means services performed with the express permission of the insured and that are immediately necessary for i) the preservation of the real estate; or ii) the health of the insured, owner, or possessor. Emergency services do not include inspection of the roof system or an estimation of the repair costs.

Violations of the act by residential roofing contractors will make the contractor subject to civil and criminal penalties under

other provisions of the Regulations of Business for Consumer Protection Act. A violation is also deemed an unfair and deceptive act or practice as defined by the Mississippi Consumer Protection Law and the contractor is subject to a civil action by any insured harmed by such a deceptive trade practice.

PRIMARY PURPOSES OF THE AMENDMENTS.

The amendments were made to accomplish several goals. First, the amendment revised the definition of “Roof system” under the act. The amendments prohibit a residential roofing contractor from requiring payment until the expiration of the cancellation period. A residential roofing contractor is prohibited from representing a property owner in the filing of insurance claims, however, once the insured has filed a claim, the insured can include the roofing contractor in his communications with the insurer about the roof damage and costs to repair or replace the roof. Roofing contractors are prohibited from receiving payment from an attorney for claim referrals or offering to pay or rebate an insured’s deductible. The roofing contractor is also required to prepare a statement identifying all aspects of a repair or replacement which are separate from or additional to repairs or replacement covered by insurance, and which will be the responsibility of the insured. The amendments set forth certain requirements for a post-loss assignment by an insured to a residential roofing contractor. These amendments will be discussed separately below.

THE DEFINITION OF “ROOF SYSTEM”.

Previously, the definition of “roof system” meant “roof coverings, roof sheathing, roof weatherproofing and insulation. Upon the effective date of the amendments, the definition of roof system is broadened to include “roof coverings, roof sheathing, roof weatherproofing, roof framing, roof ventilation system, and insulation.” Prior to the amendment, roof framing and roof ventilation system repairs would not have been covered by the act. Now, they will be.

NO PAYMENT REQUIRED UNTIL EXPIRATION OF THE CANCELLATION PERIOD.

In circumstances where a payment “may be made” by an insurer, a residential roofing contractor shall not require any payment from an insured until the three-day cancellation period has expired. The amendment precludes the contractor from requiring any payment if a payment may be made by an insurer. Of course, if the insured agrees, emergency services can be performed, but the contractor cannot require payment until after the three-day cancellation period expires. However, the contractor will be entitled to recover the reasonable value of the emergency services, either from the insured or the insurer.

CONTRACTOR MUST CREATE A STATEMENT IDENTIFYING ASPECTS OF REPAIR OR REPLACEMENT THAT ARE NOT COVERED AND WHICH WILL BE THE RESPONSIBILITY OF THE INSURED.

Before a contract can be executed for repairs or replacements that are in addition to and separate from those covered by insurance, the contractor shall include a statement identifying those aspects that are not covered by insurance and explain that payment for those additional items, are the responsibility of the insured. Of course, the insured is still free to negotiate with the insurer that those items should be covered under the policy, however, the insured is responsible for paying the contractor for those items. If the insurer persuades the insured those items should have been covered, the insurer can reimburse the insured.

A RESIDENTIAL ROOFING CONTRACTOR CANNOT FILE CLAIMS FOR AN INSURED.

Until the claim has been filed by the insured, a residential roofing contractor shall not represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of a roof system. This does not prohibit an insured from including the roofing contractor in the insured’s communications with the insurer about the damage to the roof or the estimated cost of repairs or replacement at any point in the process. In other words, the insured must file the claim, the residential roofing contractor cannot do that for the insured. This amendment does not apply to public adjusters.

A RESIDENTIAL ROOFING CONTRACTOR SHALL NOT RECEIVE ANYTHING OF VALUE FROM AN ATTORNEY FOR REFERRING CLAIMS TO THE ATTORNEY OR OFFER TO PAY OR REBATE ALL OR ANY PORTION OF AN INSURED’S DEDUCTIBLE.

The residential roofing contractor shall not receive anything of value from an attorney or other person acting in concert with an attorney for referring claims to the attorney or in connection with any claim for which the contractor has performed or intends to perform services. The contractor is also prohibited from creating a business relationship between an insured and an attorney or obligating an insured to hire a specific attorney. This amendment is to prevent attorneys from paying residential roofing contractors for referrals of claim. It is the contractor who is prohibited from accepting anything of value from the attorney. The phrase “anything of value” is quite broad and will likely be broadly interpreted and enforced.

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The residential roofing contractor is also prohibited from advertising or otherwise offering to pay or paying, or rebating all, or any portion of, an insured's insurance deductible as an inducement to enter into a residential roofing contract. This provision should level the playing field for residential roofing contractors.

REQUIREMENTS FOR A POST-LOSS ASSIGNMENT OF INSURANCE BENEFITS BY AN INSURED TO A RESIDENTIAL ROOFING CONTRACTOR.

The amendments create certain requirements for an insured to assign his post-loss rights under an insurance policy to a residential roofing contractor. Such an assignment can authorize the contractor only to be named as a co-payee, for the payment of benefits under the policy covering the residence. The assignments shall include:

- (a) an itemized description of the work to be performed;
- (b) an itemized description of materials, labor and fees for the work;
- (c) a total itemized amount to be paid for the work;
- (d) a statement that the contractor has made no assurances that the loss will be covered fully by an insurance contract; and
- (e) the following notice must appear in fourteen-point type:

You are agreeing to give up certain rights you have under your insurance policy. Please read and understand this document before signing. The itemized description of the work to be done shown in this assignment form has not been agreed to by the insurer. The insurer has the right to pay only for the cost to repair or replace damaged property caused by a covered peril.

A copy of the assignment shall be provided to the insurer no later than five (5) business days after the execution of the assignment. The assignment shall not impair the interest of a mortgagee listed on the policy and does not prevent or inhibit the insurer from communicating with the insured or the mortgagee.

The amendments also require residential roofing contractors to comply with all building codes when replacing, repairing, constructing, or reconstructing roof systems.

Pursuant to the terms of the insured's contract with the residential roofing contractor, nothing in the act prohibits the contractor from providing the insured an estimate for repair,

replacement, construction, or reconstruction and any such estimate may be submitted to the insured's insurer. Also, nothing in the act prohibits a residential roofing contractor from conferring with an insurance company representative about damage to an insured's property, or discussing repair or replacement options with an insurance company representative or the insured once a claim is made by the insured.

HOW DO THE AMENDMENTS TO THIS ACT IMPACT INSURANCE AGENTS?

From the standpoint of agents' duties, the amendments to the act really do not impact agents. Agents should not give legal advice about the act or its amendments. However, from a customer service perspective the amendments can have an impact.

There is no problem with the agent advising an insured with a roof claim about the existence of the act so they can review it and determine their rights under the act. Most residential property owners will not know about the existence of the act. Simply advising the insureds of the existence of the act could be beneficial to them in addressing their roof claim. Again, do not give legal advice or opinions about the act or its application. Simply advise the insureds of the existence of the act and if they have any questions about how it applies, advise them to seek the advice of legal counsel.

Also, if you insure roofing contractors, advising them about the existence of the amendments to the act may help avoid claims and avoid increased loss ratios. As noted above, violations of the act are subject to civil and criminal penalties. While most larger roofing contractors should already be aware of the amendments to the act, some may not be, and some smaller roofing contractors may have no idea about the amendments to the act and would likely appreciate being notified of its existence. Again, do not give any legal advice or opinions about the act or its amendments. Advise the residential roofing contractors to seek the advice of legal counsel for any questions about the act or its amendments.

As a loss prevention action, it might be a good idea for insurers to notify any insured residential roofing contractors about the amendments to the act, depending on the insurers' policy language, coverages, exclusions and loss prevention policies and practices.





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