

**11 NCAC 04 .0115            DIVISION PROCEDURES**

(a) Complaints arising from insurance products, companies, insurance agents, adjusters, brokers, producers, and motor vehicle damage appraisers regulated under G.S. Chapter 58 will be processed in the following manner:

- (1) The analyst will request an explanation from company, agent, appraiser, or adjuster.
- (2) If the analyst finds that the issue has been handled in a manner that does not comply with statute, rule or policy contract, then the analyst will require that corrective action taken be to resolve the complaint.
- (3) If the issue is not resolved, the Deputy Commissioner may arrange a conference with the company representatives to resolve the problem.

(b) If a conference does not resolve a disputed issue, the Deputy Commissioner may recommend to the Commissioner that legal action as outlined in G.S. Chapter 58 be taken to ensure compliance with the statutes and rules, administered by the Department. Alternatively, this Division may refer issues to other Divisions for further investigation and regulatory action.

(c) The Division will not investigate a complaint that is also the subject matter of a pending lawsuit filed by an attorney representing the complainant. If a lawsuit has not been filed but the complainant has retained an attorney, as indicated on the complaint form or other correspondence submitted relating to the complaint, the Division will investigate the complaint provided it has first obtained the attorney's written consent solicited through the complainant.

*History Note:     Authority G.S. 58-2-40; 58-2-50; 58-2-155; 58-2-185; 58-2-190; 58-2-195; 58-2-200; 58-3-100; 58-33-45; 58-65-1; 58-65-40; 58-67-20; 58-67-150;*  
*Eff. December 15, 1979;*  
*Amended Eff. April 1, 1989;*  
*Readopted Eff. December 1, 2021.*