

Wyoming Administrative Rules

Insurance Dept.

General Agency, Board or Commission Rules

Chapter 26: Regulation Governing Adjustment of Damages to Dwelling Roofs Under Homeowners' Policies

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CHAPTER 26

REGULATION GOVERNING ADJUSTMENT OF DAMAGES TO DWELLING ROOFS UNDER HOMEOWNERS' POLICIES

Section 1. Authority.

These rules and regulations governing the adjustment of roof damage under Homeowners' Policies marketed in the State of Wyoming are promulgated pursuant to W.S. §§16-3-101 through 16-3-106, 26-2-110, 26-2-125, and 26-13-124.

Section 2. Definitions.

(a) “Adjustment” means the investigation and negotiation of settlements relative to insurance claims or the application of the factual circumstances of an insurance claim to the insurance policy provisions, or both, arising under property and casualty insurance contracts.

(b) "Facet" means one continuous side of a roof that has many sides.

(c) “Obsolete” means a roofing product which is no longer manufactured or available for use, and for which there is no roofing product of similar like, kind and quality currently available.

(d) “Roofing product” means the specific construction material used to cover the roof of the insured property. The roofing product on the insured property shall be identified by the manufacturer, material composition, hazard rating, installation method, color, warranty, construction style, dimension, and model number.

Section 3. Adjustment Practices.

(a) If an insured loss causes damage to all facets of the roof of a covered property, the entire roof shall be replaced.

(b) Unless consent is given pursuant to Section 4(a) of this regulation, if the roofing product existing on the insured property at the time of loss is obsolete and there is partial damage, i.e., damage to one or more-facets of the roof but not the entire roof, it shall be construed that the full roof has been damaged and adjustment shall be made on that basis.

(c) Adjustment of a roof claim shall include, but not be limited to, investigation into all usual and customary aspects of a roofing claim and shall include identification of the specific roofing product on the insured property.

(i) Investigation to determine the roofing product existing on the insured property may include photographic documentation of the roofing material, but photographic documentation of the roofing product in and of itself is insufficient to meet the requirement of a

reasonable investigation required by Wyo. Stat. 26-13-124.

(ii) No insurer shall depreciate the cost of labor associated with the installation and tear-off of roofing products when adjusting a roofing claim.

Section 4. Consent of the insured.

(a) Pursuant to Subsection 3(b) of this regulation, if the insured consents in writing in advance, and the roofing product is obsolete, a different roofing product may be used in the repair or replacement of damaged facets of the roof of an insured property to the insured's satisfaction.

(i) Consent provided pursuant to Subsection (a) of this section shall only be valid so long as the insurer who seeks repair or replacement of one or more facets, but less than replacement of the entire roof, fully disclosed any known effect of the repair or replacement on underwriting standards, on value of the property, on future insurability, and on any existing roof warranty.

(b) Any consent provided by the insured pursuant to this Section must be retained by the insurer for not less than five (5) years and be made available for inspection by the Commissioner upon request.

Section 5. Effective Date.

This regulation shall become effective upon filing with the Secretary of State.