

NORTH CAROLINA DEPARTMENT OF INSURANCE
RALEIGH, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF WAKE

BEFORE THE
COMMISSIONER OF INSURANCE

)
)
) FIRST AMENDED
) COMMISSIONER'S ORDER
) EXTENDING DEADLINES
)
) N.C. Gen. Stat. § 58-2-47
)

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-47, if a state of emergency or disaster has been proclaimed under N.C. Gen. Stat. §§ 166A-19.20 or 166A-19.21 or declared under the Stafford Act, or whenever an incident beyond the Department's reasonable control, including an act of God, insurrection, strike, fire, power outage, or systematic technological failure, substantially affects the daily business operations of the Department, the Commissioner may issue an order to stay the application of any deadlines and deemer provisions imposed by law or rule upon the Commissioner or Department or upon persons subject to the Commissioner's jurisdiction, which deadlines and deemer provisions would otherwise operate during the time period for which the operations of the Department have been substantially affected; and

WHEREAS, on March 10, 2020, the Governor of North Carolina issued Executive Order No. 116, which, pursuant to N.C. Gen. Stat. §§ 166A-19.10 and 166A-19.20, declares a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207 (the "Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

WHEREAS, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina.

WHEREAS, on April 6, 2020, pursuant to the authority vested in me as Commissioner of Insurance for the State of North Carolina by N.C. Gen. Stat. § 58-2-47, I issued an ORDER extending certain deadlines requiring fire stations to inspect all of its equipment on a monthly basis and fire departments to provide at least four hours of training per month, such order being effective for 30 days.

WHEREAS, pursuant to N.C. Gen. Stat. § 58-2-47, such ORDER may be renewed for successive periods not exceeding 30 days each for as long as the operations of the Department remain substantially affected, up to a period of one year from the effective date of the initial order.

WHEREAS, the state of disaster caused by the COVID-19 public health emergency continues to affect the operations of the Department and of the licensees regulated by the Department.

NOW THEREFORE, pursuant to the authority vested in me as Commissioner of Insurance for the State of North Carolina by N.C. Gen. Stat. § 58-2-47, **IT IS ORDERED AND DECLARED:**

1. Pursuant to N.C. Gen. Stat. § 58-36-10 and 58-40-25, the North Carolina Commissioner of Insurance (“Commissioner”) is directed to establish and modify from time to time insurance public protective districts for all rural areas of the State and for cities with populations of 100,000 or fewer.

2. Pursuant to this authority, the Commissioner established certain standards that fire departments across the state have to maintain in order to receive a rating.

3. To that end, 11 N.C.A.C. 05A .0905 requires, among other things, that “[a] fire station . . . inspect all equipment inventory monthly, and document the inspection.”

4. Further, 11 N.C.A.C. 05A .0907 requires, among other things, that “[f]ire departments . . . provide at least four hours of training per month, for a total of 48 hours of training per year.”

5. The current COVID-19 pandemic has caused a severe disruption of the daily business operations of the Department as well as the fire department’s

regulated by the Department.

6. Therefore, effective immediately, the rules requiring fire stations to inspect all of its equipment on a monthly basis and fire departments to provide at least four hours of training per month are hereby stayed for a period of 30 days.

7. The Commissioner will continue to monitor the situation and may extend the stay accordingly pursuant to N.C. Gen. Stat. § 58-2-47, or may otherwise modify this order as needed.

This the 6th day of May, 2020.



Mike Causey
Commissioner of Insurance