

A.C.A. § 21-2-807

Current through all legislation of the 2023 Regular Session and the 2023 First Extraordinary Session.

AR - Arkansas Code Annotated > Title 21 Public Officers and Employees > Chapter 2 Commission, Oath, And Bond > Subchapter 8 — Arkansas Self-Funded Cyber Response Program Act

21-2-807. Notice of proof of losses — Determination of coverage and remediation.

(a) Following a cyberattack on a participating governmental entity, the Arkansas Cyber Response Board may establish security requirements for the participating governmental entity that shall be followed in order to maintain the full Arkansas Self-Funded Cyber Response Program under § 21-2-804(b)(1).

(b) The expenses associated with losses, investigation, and remediation shall be attributed to the participating governmental entity and shall be used by the State Risk Manager and board in calculating future program premiums.

(c)

(1) Upon determination of proof of loss from the cyber response contact and the board, the Insurance Commissioner shall authorize cybersecurity loss payments to the participating governmental entity that was activated by the cyber response contact as well as any participating governmental entity for board-approved expenditures.

(2) A voucher for a loss payment shall include, as supporting documents, a copy of the payment recommendations by the State Risk Manager and a copy of the proof of loss provided by the participating governmental entity and approved by the board.

(3) A loss payment may be adjusted by any applicable deductible, restitution, or coinsurance payment by the board.

(d)

(1) If a participating governmental entity sustains any loss that exceeds the amount of indemnity provided by the program, then the participating governmental entity is entitled to all recoveries, except from suretyship, insurance, reinsurance, security, or indemnity taken by or for the benefit of the program, made by whomever, on account of the loss until fully reimbursed, less the amount of the deductible and coinsurance.

(2) Any remainder of the recovery under subdivision (d)(1) of this section shall be applied to reimbursement of the program.

(3) If a participating governmental entity fails to pay the amount due to the program under this section, then the board may deduct any amount due from future loss payments due the applicable participating governmental entity or from any treasury funds of the applicable participating governmental entity.

History

Acts 2023. No. 846, § 2.

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