

SENATE BILL NO. 111

BY SENATOR SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 22:1892(I)(2)(a) and (3) and to enact R.S. 22:1892(I)(4), relative to insurance claims; to provide for breach of good faith duty; to provide for limitations on causes of action; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1892(I)(2)(a) and (3) are hereby amended and reenacted and R.S. 22:1892(I)(4) is hereby enacted to read as follows:

§1892. Payment and adjustment of claims; policies other than life and health and accident; good faith duty; breach of good faith duty; vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension; definitions

* * *

I.

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(2) Any one of the following acts, if knowingly committed or performed by an insurer or representative of the insurer, constitutes a breach of the insurer's duties imposed in Paragraph (1) of this Subsection:

(a) A misrepresentation of pertinent facts ~~or insurance policy provisions~~ relating to any coverages at issue **or a misrepresentation of relevant insurance policy provisions.**

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(3) **The provisions of this Subsection shall not create a cause of action against an insurer by the insured or claimant in a claim for personal injury or bodily injury when any of the following conditions are present:**

(a) There is a good faith dispute as to liability.

(b) There is a good faith dispute as to medical causation for the injuries alleged by the claimant.

