## SLS 22RS-413

## ORIGINAL

2022 Regular Session

SENATE BILL NO. 119

BY SENATOR TALBOT

INSURANCE CLAIMS. Provides for a catastrophe claims consumer guide. (1/1/23)

1	AN ACT
2	To enact R.S. 22:1897, relative to catastrophic claims; to provide for a catastrophic claims
3	consumer guide; to provide for the contents of the guide; to provide for distribution
4	of the guide; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. RS. 22:1897 is hereby enacted to read as follows:
7	<u>§1897. Catastrophe claims consumer guide</u>
8	A. The commissioner shall publish a catastrophe claims consumer guide
9	to inform policyholders of the property insurance claims adjustment and
10	payment process.
11	<b>B.</b> The catastrophe claims consumer guide shall include all of the
12	following items:
13	(1) The determination of coverages available under a property policy.
14	(2) The calculation of policy deductibles.
15	(3) An explanation of actual cash value and replacement cost value.
16	(4) Policyholder duties in the adjustment and settlement of a claim
17	including the documentation necessary for a satisfactory proof of loss.

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	(5) The supplemental claims process.		
2	(6) The process for filing of a complaint with the commissioner if there		
3	is any dissatisfaction with the claim adjustment and payment process.		
4	(7) Policyholder rights and protections.		
5	(8) Any other information the commissioner determines is beneficial to		
6	the policyholder.		
7	C. When the governor declares a state of emergency pursuant to R.S.		
8	29:724, every insurer who receives a property insurance claim arising out of the		
9	emergency shall provide each claimant with the catastrophe claims consumer		
10	guide published by the commissioner no later than the initial investigation of the		
11	<u>claim by an adjuster.</u>		
12	<b>D.</b> Nothing in this Section shall be construed to create or imply a private		
13	cause of action, nor shall it be construed to curtail a private cause of action that		
14	would otherwise exist in the absence of this Section.		
15	Section 2. This Act shall become effective on January 1, 2023; if vetoed by the		
16	governor and subsequently approved by the legislature, this Act shall become effective on		
17	the day following such approval by the legislature or January 1, 2023, whichever is later.		

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Thomas L. Tyler.

	DIGEST	
SB 119 Original	2022 Regular Session	Talbot

<u>Proposed law</u> requires the commissioner of insurance to publish a catastrophe claims consumer guide that informs policyholders of the property insurance claims adjustment and payment process.

<u>Proposed law</u> requires that the catastrophe claims consumer guide include all of the following items:

- (1) The determination of coverages available under a property policy.
- (2) The calculation of policy deductibles.
- (3) An explanation of actual cash value and replacement cost value.
- (4) Policyholder duties in the adjustment and settlement of a claim including the documentation necessary for a satisfactory proof of loss.
- (5) The supplemental claims process.

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- (6) The process for filing of a complaint with the commissioner if there is any dissatisfaction with the claim adjustment and payment process.
- (7) Policyholder rights and protections.
- (8) Any other information determined by the commissioner to be beneficial to the policyholder.

<u>Proposed law</u> requires every insurer receiving a property insurance claim arising out of a state of disaster or emergency declared by the governor to provide each claimant with the catastrophe claims consumer guide no later than the initial investigation of a claim by an adjuster.

<u>Proposed law</u> is not to be construed to create or imply a private cause of action nor shall it be construed to curtail a private cause of action that otherwise exists in the absence of proposed law.

Effective January 1, 2023.

(Adds R.S. 22:1897)