

SENATE BILL NO. 198

BY SENATORS TALBOT, BERNARD, FESI, JACKSON, PEACOCK, SMITH AND
STINE AND REPRESENTATIVE WILLARD

1 AN ACT

2 To enact R.S. 22:46(14.1) and 1897, relative to the adjustment of claims; to provide for
3 definitions; to provide for a written status report; to provide for a primary contact
4 with the insurer; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:46(14.1) and 1897 are hereby enacted to read as follows:

7 §46. General definitions

8 In this Code, unless the context requires, the following definitions apply:

9 * * *

10 **(14.1) "Residential coverage" means coverage for persons that have an**
11 **interest in residential property that is either personal or commercial and**
12 **includes coverage for particular perils like wind, named storms, and hurricanes.**

13 **(a) "Personal residential coverage" means the type of coverage provided**
14 **by homeowners, mobile homeowners, dwelling, tenant, condominium unit**
15 **owner, and similar policies.**

16 **(b) "Commercial residential coverage" means the type of coverage**
17 **provided by condominium or homeowners' association, apartment building, and**
18 **similar policies.**

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§1897. Adjuster communications

A. For a personal residential insurance claim that arises due to a named storm or hurricane for which a state of emergency or disaster is declared pursuant to R.S. 29:724, and the insurer within a six-month period assigns a third or subsequent claims adjuster to be primarily responsible for the insurance claim, the insurer shall provide the insured in a timely manner all of the following:

(1) A written status report that shall include at least the following:

(a) The manner in which the insured's deductible has been applied and a statement as to whether the applicable deductible has been exhausted.

(b) The dollar amounts available under each coverage.

(c) The dollar amounts paid under each coverage.

(d) The dates on which payments were issued, to whom checks were payable, and addresses to which checks were sent or the means by which funds were otherwise delivered.

(e) A summary of items known to the insurer, as of the date of the status report, that remain to be adjusted and for which the insured must provide further information or documentation to the insurer in order to complete the adjustment process.

(2) A primary contact.

(3) Two or more direct means of communication with the primary contact.

B."Primary contact" in Paragraph (A)(2) of this Section means an adjuster or team employed or retained as a member or members of the insurer's staff who are knowledgeable about the claim. The insurer shall maintain a primary contact until the insurer closes the claim or a party files suit on the claim. The designation of a primary contact shall not preclude other claims personnel, vendors, or professionals, including clerical staff members, and call center staff members from working on portions of the insured's claim.

1 C. The primary contact shall refer the insured to his supervisor at the
2 request of an insured.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____