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**HOUSE COMMITTEE AMENDMENTS**

2023 Regular Session

Amendments proposed by House Committee on Insurance to Original House Bill No. 601  
by Representative Huval

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "R.S. 22:1892(A)(1) through (4)" insert "and (B)(1)(a) and (b) and  
3 (4)"

4 AMENDMENT NO. 2

5 On page 1, line 11, after "R.S. 22:1892(A)(1) through (4)" insert "and (B)(1)(a) and (b) and  
6 (4)"

7 AMENDMENT NO. 3

8 On page 2, delete lines 4 and 5 in their entirety and insert in lieu thereof:

9 "(31) "Disinterested" means that a party does not have, nor has he ever had,  
10 a pecuniary or monetary interest in the claim, a familial relationship with either  
11 party, or an employee or employer relationship with either party."

12 AMENDMENT NO. 4

13 On page 2, line 21, after "R.S. 22:1892.2" insert a comma "," and "or manufactured and  
14 modular homes as defined by R.S. 51:911.22"

15 AMENDMENT NO. 5

16 On page 3, delete lines 16 through 20 in their entirety and insert in lieu thereof the following:

17 "B.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, failure  
18 to make such payment within thirty days after receipt of such satisfactory written  
19 proofs and demand therefor or failure to make a written offer to settle any property  
20 damage claim, including a third-party claim, within thirty days after receipt of  
21 satisfactory proofs of loss of that claim, as provided in Paragraphs (A)(1) and (4) of  
22 this Section, respectively, or failure to make such payment within thirty days after  
23 written agreement or settlement as provided in Paragraph (A)(2) of this Section when  
24 such failure is found to be arbitrary, capricious, or without probable reasonable  
25 cause, shall subject the insurer to a penalty, in addition to the amount of the loss, of  
26 fifty percent damages on the amount found to be due from the insurer to the insured,  
27 or one thousand dollars, whichever is greater, payable to the insured, or in the event  
28 a partial payment or tender has been made, fifty percent of the difference between  
29 the amount paid or tendered and the amount found to be due as well as reasonable  
30 attorney fees and costs. Such penalties, if awarded, shall not be used by the insurer  
31 in computing either past or prospective loss experience for the purpose of setting  
32 rates or making rate filings.

33 (b) In the case of a presidentially or gubernatorially declared disaster, failure  
34 to make such payment within thirty days after receipt of such satisfactory written  
35 proofs and demand therefor or failure to make a written offer to settle any property  
36 damage claim, including a third-party claim, within thirty days after receipt of  
37 satisfactory proofs of loss of that claim, as provided in Paragraphs (A)(1) and (4) of  
38 this Section, respectively, or failure to make such payment within thirty days after  
39 written agreement or settlement as provided in Paragraph (A)(2) of this Section when  
40 such failure is found to be arbitrary, capricious, or without probable reasonable

1 cause, shall subject the insurer to a penalty, in addition to the amount of the loss, of  
 2 fifty percent damages on the amount found to be due from the insurer to the insured,  
 3 or two thousand five hundred dollars, whichever is greater, payable to the insured,  
 4 or in the event a partial payment or tender has been made, fifty percent of the  
 5 difference between the amount paid or tendered and the amount found to be due as  
 6 well as reasonable attorney fees and costs or two thousand five hundred dollars,  
 7 whichever is greater. The penalties, if awarded, shall not be used by the insurer in  
 8 computing either past or prospective loss experience for the purpose of setting rates  
 9 or making rate filings.

10 (c) Claims for penalties and attorney fees pursuant to this Paragraph are  
 11 subject to a liberative prescriptive period of two years.

12 \* \* \*

13 (4) Whenever a property damage claim is on a personal vehicle owned by  
 14 the third party claimant and as a direct consequence of the inactions of the insurer  
 15 and the third party claimant's loss the third party claimant is deprived of use of the  
 16 personal vehicle for more than five working days, excluding Saturdays, Sundays, and  
 17 holidays, the insurer responsible for payment of the claim shall pay, to the extent  
 18 legally responsible, for reasonable expenses incurred by the third party claimant in  
 19 obtaining alternative transportation for the entire period of time during which the  
 20 third party claimant is without the use of his personal vehicle. Failure to make such  
 21 payment within thirty days after receipt of adequate written proof and demand  
 22 therefor, when such failure is found to be arbitrary, capricious, or without ~~probable~~  
 23 reasonable cause shall subject the insurer to, in addition to the amount of such  
 24 reasonable expenses incurred, a reasonable penalty not to exceed ten percent of such  
 25 reasonable expenses or one thousand dollars whichever is greater together with  
 26 reasonable ~~attorneys~~ attorney fees for the collection of such expenses.

27 \* \* \*

28 AMENDMENT NO. 6

29 On page 3, line 25, after "property" insert a comma ", " and "including manufactured and  
 30 modular homes as defined by R.S. 51:911.22,"

31 AMENDMENT NO. 7

32 On page 4, line 3, after "immovable property," insert "including manufactured and modular  
 33 homes as defined by R.S. 51:911.22,"

34 AMENDMENT NO. 8

35 On page 4, line 7, after "insured." delete the remainder of the line and delete lines 8 through  
 36 12 in their entirety and insert in lieu thereof the following:

37 "An insurer may require completion of a signed statement in proof of loss as  
 38 a condition of its receipt of a satisfactory proof of loss. A signed statement in proof  
 39 of loss is based on the insured's knowledge of the claim at the time of the statement,  
 40 and does not preclude the insured from submitting a new signed proof of loss  
 41 statement if any additional, covered damages is discovered. An insurer is not deemed  
 42 to have received satisfactory proof of loss until it has initiated a loss adjustment in  
 43 accordance with Paragraph (3) of this Subsection."

44 AMENDMENT NO. 9

45 On page 5, page 7, delete "sworn" and insert in lieu thereof "signed"

1 AMENDMENT NO. 10

2 On page 5, line 9, delete "sworn" and insert in lieu thereof "signed"

3 AMENDMENT NO. 11

4 On page 10, line 19, after "Company" insert a comma ", " and delete the remainder of the line

5 AMENDMENT NO. 12

6 On page 10, line 20, delete "for appraisal."

7 AMENDMENT NO. 13

8 On page 10, line 22, after "pursuant to this clause." insert a quotation mark "" and delete  
9 the remainder of the line and delete lines 23 through 26 in their entirety

10 AMENDMENT NO. 14

11 On page 11, delete line 2 in its entirety and insert in lieu thereof:

12 "shall provide the other party with written documentation of the"

13 AMENDMENT NO. 15

14 On page 11, line 3, delete "identifying each item that is in dispute" and insert in lieu thereof:

15 "identifying the items of the dispute"

16 AMENDMENT NO. 16

17 On page 11, line 6, delete "The itemized" and delete lines 7 through 8 in their entirety

18 AMENDMENT NO. 17

19 On page 11, delete lines 12 through 14 in their entirety

20 AMENDMENT NO. 18

21 On page 11, line 15, change "(7)" to "(6)"

22 AMENDMENT NO. 19

23 On page 11, line 18, change "(8)" to "(7)"

24 AMENDMENT NO. 20

25 On page 12, after line 8, insert the following:

26 "Section 3. The Legislature of Louisiana hereby changes the language of "probable  
27 cause" to "reasonable cause" in R.S. 22:1892 and 1973 for the sole purpose of avoiding  
28 confusion with the definition of "probable cause" found in Title 14 of the Louisiana Revised  
29 Statutes, the Code of Criminal Procedure, and the Code of Evidence."