

SENATE BILL NO. 106

BY SENATOR SMITH AND REPRESENTATIVE GAROFALO

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. 22:41(14) and to enact R.S. 22:1964(14)(p), relative to a property damage insurance claim; to require an insurer to provide an insured with certain records in connection to a property damage insurance claim upon an insured's request; to provide for exceptions; to require an insurer to respond within a certain time period; to require an insurer to maintain certain records in connection to a property damage insurance claim; to provide for confidentiality; to provide relative to unfair claims settlement practices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41(14) is hereby amended and reenacted and R.S. 22:1964(14)(p) is hereby enacted to read as follows:

§41. Policyholder bill of rights

The following items exist in Louisiana statutes and shall serve as standards for a policyholder bill of rights and do not create additional causes of actions or further penalties not otherwise provided under Louisiana statutes:

* * *

(14) Relative to ~~first party~~ **first-party** property damage claims, policyholders shall have the right to request and receive from the insurance company **any portion of the claim file, including but not limited to** any **written reports**, estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, **photographs, video recordings**, or **any other** documents **or communications** that ~~are not legally privileged~~ **unless the record** that the insurance company prepared; ~~had prepared~~; or used during its adjustment of the policyholder's claim **is legally privileged in accordance with R.S. 22:1964(14)**. ~~A~~ **An insurance** company may keep confidential adjuster notes, logs, and any **other** documents **or communications**

1 prepared in conjunction with a fraud investigation in accordance with R.S.
2 22:1964(14).

3 * * *

4 §1964. Methods, acts, and practices which are defined as unfair or deceptive

5 The following are declared to be unfair methods of competition and unfair
6 or deceptive acts or practices in the business of insurance:

7 * * *

8 (14) Unfair claims settlement practices. Committing or performing with such
9 frequency as to indicate a general business practice any of the following:

10 * * *

11 (p) Failing to make available upon the written request of an insured any
12 portion of the claim file, including but not limited to estimates, bids, plans,
13 measurements, drawings, engineer reports, contractor reports, statements,
14 photographs, video recordings, or any other documents or communications
15 unless the record is legally privileged that the insurer prepared, had prepared,
16 or used during its adjustment of the insured's claim. An insurer may keep
17 confidential any adjuster notes, logs, and any other documents or
18 communications prepared in conjunction with a fraud investigation.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____