

SENATE BILL NO. 96

BY SENATOR TALBOT

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. 22:1973(F) and 2296 and to enact R.S. 22:1892(H), relative to the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Insurance Corporation; to provide immunity from any penalties awarded in regard to property insurance claims; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1973(F) and 2296 are hereby amended and reenacted and R.S. 22:1892(H) is hereby enacted to read as follows:

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

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H. The Louisiana Insurance Guaranty Association, as provided in R.S. 22:2051 et seq., and the Louisiana Citizens Property Insurance Corporation, as provided in R.S. 22:2291 et seq., shall not be subject to the provisions of Louisiana Code of Civil Procedure Article 591 et seq., or any other provision allowing a class action, for any damages including any penalties awarded pursuant to the provisions of this Section.

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§1973. Good faith duty; claims settlement practices; cause of action; penalties

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1 F. The Louisiana Insurance Guaranty Association Fund, as provided in R.S.
 2 22:2051 et seq., shall not be liable for any special damages awarded under the
 3 provisions of this Section. Neither the Louisiana Insurance Guaranty
 4 Association, as provided in R.S. 22:2051 et seq., nor the Louisiana Citizens
 5 Property Insurance Corporation, as provided in R.S. 22:2291 et seq., shall be
 6 liable for any penalties awarded pursuant to the provisions of Subsection C of
 7 this Section.

8 * * *

9 §2296. Immunity from liability

10 A. There For any action taken in the performance of duties or
 11 responsibilities pursuant to this Chapter, there shall be no liability on the part of
 12 and no cause of action of any nature shall arise against ~~the commissioner of~~
 13 ~~insurance, or against the governing board of the Louisiana Citizens Property~~
 14 ~~Insurance Corporation or anyone acting on behalf of the corporation or the plans, or~~
 15 ~~against any servicing carrier or carriers, or against any assessable insurer, or against~~
 16 ~~any participating insurance producer, or against the Department of Insurance or its~~
 17 ~~representatives, for any action taken by them in the performance of their duties or~~
 18 ~~responsibilities under this Chapter.~~ any of the following:

19 (1) The commissioner.

20 (2) The Louisiana Citizens Property Insurance Corporation or its plans
 21 or its agents, employees, or members of the governing board, or their designees.

22 (3) The department or its employees or representatives.

23 (4) Any service provider.

24 (5) Any assessable insurer.

25 (6) Any participating insurance producer.

26 B. Such ~~The~~ immunity from liability provided in this Section ~~does~~ shall not
 27 apply to any of the following:

28 (1) Any of the ~~persons or entities listed in Subsection A of this Section~~
 29 person for any ~~willful~~ intentional tort or criminal act.

30 (2) The ~~corporation,~~ corporation or insurance producers placing business

1 with one of the ~~plans~~, **plans** for breach of any contract or agreement pertaining to
2 insurance coverage **or its statutory obligations related to coverage.**

3 **(3) The corporation for any supervisory or regulatory action,**
4 **examination, or audit taken by the commissioner.**

5 ~~(3)~~**(4)** The corporation with respect to issuance or payment of debt.

6 ~~(4)~~**(5)** Any assessable insurer with respect to any action to enforce ~~such~~ **the**
7 insurer's obligations to the corporation ~~under~~ **pursuant to** this Chapter.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____