

2026 Regular Session

HOUSE BILL NO. 1210

BY REPRESENTATIVE DANA HENRY

INSURANCE/PROPERTY: Creates a mandatory pre-suit claim review process relative to residential property insurance

1 AN ACT

2 To enact Part III of Chapter 15 of Title 22 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 22:2351 through 2353, relative to mandatory pre-suit claim review
4 process; to provide for mandatory pre-suit claim review process requirements; to
5 provide for independent evaluation of claims; to provide definitions; to provide for
6 rulemaking; to provide for bad faith exemption; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part III of Chapter 15 of Title 22 of the Louisiana Revised Statutes of
9 1950, comprised of R.S. 22:2351 through 2353, is hereby enacted to read as follows:

10 PART III. LOUISIANA RESIDENTIAL PROPERTY INSURANCE CATASTROPHIC

11 LOSS REVIEW AND RESOLUTION ACT

12 §2351. Short title

13 This Act shall be known and may be cited as the "Louisiana Residential
14 Property Insurance Catastrophic Loss Review and Resolution Act".

15 §2352. Definitions

16 As used in this Part, the following terms have the meanings ascribed to them:

- 17 (1) "Catastrophic loss" means a loss that arose from a natural disaster,
18 windstorm, or significant weather-related event that was a presidentially or
19 gubernatorially declared emergency or disaster.

1 (2) "Claim dispute" means any disagreement between an insurer and an
2 insured regarding bad faith allegations for a catastrophic loss.

3 (3) "Department" means the Department of Insurance.

4 (4) "Residential property insurance" means insurance coverage for one-unit
5 to four-unit family dwellings.

6 (5) "Review panel" means an independent evaluator or panel assigned
7 pursuant to this Part.

8 §2353. Mandatory pre-suit review process; determination; legal effect; bad faith
9 exception; rulemaking authority

10 A.(1) An action for damages arising from a residential property shall not be
11 filed in any court of this state, unless the claimant has first complied with the pre-suit
12 review requirements of this Part.

13 (2) The claimant shall submit a notice of dispute to the department which
14 shall include all of the following:

15 (a) Satisfactory proof of loss.

16 (b) Estimates or supporting documentation.

17 (c) Summary of the dispute.

18 (3) The notice of dispute shall be submitted in a form and manner prescribed
19 by the department, including electronic submission.

20 (4) Within fifteen days of receipt of the notice of dispute, the insurer shall
21 provide to both the department and the claimant all of the following:

22 (a) A summary of its claim determination, including but not limited to any
23 of the following:

24 (i) Substantive and affirmative steps the insurer took to accumulate facts
25 about the loss.

26 (ii) Written offer to settle a claim and unconditionally tender a reasonable
27 amount by the insurer.

28 (iii) Payment to claimant within thirty days after written agreement or
29 settlement by the insurer.

1 (b) Any other supporting documentation for the insurer's position.

2 (5)(a) All documentation shall be submitted electronically to the department
3 or in a form and manner prescribed by the department.

4 (b) The department shall acknowledge receipt of documentation
5 electronically or in a form and manner prescribed by the department.

6 (6) Claim adjudication shall be determined based solely on documentation
7 submitted to the department, without the necessity of a hearing.

8 (7) Failure of the insurer to provide the required documents within the
9 amount of time mandated by this Section shall result in a monetary fine of five
10 hundred dollars per day until the requisite documents are provided by the insurer.

11 B. Nothing in this Part shall relieve an insurer of the obligation to timely pay
12 undisputed amounts owed under the policy.

13 C.(1) An insurer shall not use the review process to delay payment of
14 undisputed amounts or to coerce settlement of disputed claims.

15 (2)(a) The department shall assign a neutral independent reviewer for claims
16 between twenty-five thousand dollars and one hundred thousand dollars or a panel
17 of three qualified reviewers for claims over one hundred thousand dollars.

18 (b) The neutral independent reviewer or review panel shall evaluate all
19 allegations or claims of bad faith.

20 (3) Reviewers shall be selected from a list maintained by the department and
21 include one of the following:

22 (a) A licensed adjuster.

23 (b) An engineer.

24 (c) A construction professional.

25 (4) Reviewers shall not have any financial or professional conflict of interest
26 in the dispute.

27 (5) The reviewers shall issue a written determination within thirty days of
28 assignment.

29 (6) The determination shall include all of the following:

- 1 (a) Findings of fact.
- 2 (b) Identification of disputed issues.
- 3 (c) Identification of disputed issues regarding bad faith allegations.
- 4 (7) The determination shall be admissible as evidence in any subsequent
5 legal proceeding and may be considered by the trier of fact but shall not be binding
6 and shall not create a presumption of liability upon either party.
- 7 (8) The department shall transmit the determination to both parties via
8 electronic means or certified mail.
- 9 D.(1) Participation in the review process shall not require either party to
10 accept a settlement and shall not have any adverse inference from a party's decision
11 to proceed to litigation.
- 12 (2) Costs of the review process shall be allocated as determined by the
13 department, provided that claimants shall not bear a disproportionate share of such
14 costs.
- 15 (3) Nothing in this Part shall prohibit a claimant from being represented by
16 counsel or a public adjuster during the review process.
- 17 E.(1) This Part does not apply to any of the following:
- 18 (a) Claims under twenty-five thousand dollars.
- 19 (b) Emergency actions requiring immediate judicial relief.
- 20 (2) This Part shall not prohibit an insured from undertaking reasonable and
21 necessary emergency repairs to prevent further damage, nor shall such actions
22 prejudice the insured's claim.
- 23 F. The prescriptive period applicable to a residential property insurance
24 claim shall be suspended from the date a notice of dispute is filed with the
25 department until the issuance of the review panel's determination.
- 26 G.(1) The department shall do all of the following:
- 27 (a) Establish a cost structure that minimizes financial burden on claimants,
28 which may include waivers or reduced fees based on financial hardship.

1 (b) Promulgate rules and regulations as necessary to implement the
2 provisions of this Part.

3 (c) Provide plain-language guidance to claimants regarding the review
4 process, required documentation, and their rights pursuant to this Part.

5 (d) Publish annual data on outcomes of the review process, including
6 settlement rates and timelines.

7 (2) The department may establish an expedited review process for claims
8 involving habitability concerns or substantial structural damage.

9 H. The provisions of this Part shall not apply to a claimant, unless the court
10 finds that the claimant acted in bad faith or without reasonable basis.

11 Section 2. This Act shall become effective on January 1, 2027.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1210 Original

2026 Regular Session

Dana Henry

Abstract: Establishes a mandatory pre-suit claim review process for bad faith allegations in disputed residential property insurance claims arising out of a catastrophic loss.

Proposed law defines "catastrophic", "claim dispute", "department", "residential property insurance", and "review panel".

Proposed law mandates that no action for damages arising from a residential property insurance claim dispute shall be filed in any court of this state unless the claimant has first complied with the pre-suit review requirements of proposed law.

Proposed law requires the claimant to submit a notice of dispute to the department, which shall include satisfactory proof of loss, any estimates or supporting documentation, and a summary of the dispute.

Proposed law permits the notice of dispute to be submitted electronically or on a form and manner prescribed by the department.

Proposed law requires the insurer, within 15 days of receipt of notice, to provide to the department and the claimant all of the following:

- (1) Substantive and affirmative steps the insurer took to accumulate facts about the loss.
- (2) Written offer to settle a claim and unconditionally tender a reasonable amount by the insurer.
- (3) Payment to claimant within 30 days after written agreement or settlement by the insurer.

- (4) Any other supporting documentation for the insurer's position.

Proposed law requires the department to assign a neutral independent reviewer or, in its discretion, a panel of three qualified reviewers.

Proposed law requires that a neutral independent reviewer shall be assigned for claims between \$25,000 and \$100,000, or a panel of 3 qualified reviewers for claims over \$100,000.

Proposed law establishes criteria for the reviewers which includes all of the following:

- (1) Reviewers shall be selected from a list maintained by the department and shall include one of the following a licensed adjuster, an engineer, or a construction professionals.
- (2) Reviewers shall not have any financial or professional conflict of interest in the dispute.

Proposed law authorizes the review panel to evaluate all allegations or claims of bad faith.

Proposed law requires the review panel shall issue a written determination within 30 days of assignment; in which the determination shall include findings of fact, recommended valuation of the claim, and identification of disputed issues.

Proposed law permits the determination shall be admissible in any subsequent legal proceeding and may be considered by the trier of fact; however, the determination does not create a presumption of liability is not binding upon either party.

Proposed law permits either party to request mediation following issuance of the determination, in which, the department provide for certified mediators.

Proposed law exempts applicability to the following:

- (1) Claims under \$25,000.
- (2) Emergency actions requiring immediate judicial relief.

Proposed law authorizes the department to promulgate rules necessary to implement proposed law.

Effective on Jan. 1, 2027.

(Adds R.S. 22:2351-2353)