AN ACT

SENATE BILL NO. 85

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BY SENATOR JOHN SMITH

| 2 | To amend and reenact R.S. 22:41(13) and 1892(C)(1), relative to the insurance policyholder |
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| 3 | bill of rights; to provide for an insured to opt in to receive a claim payment by |
| 4 | electronic transfer; and to provide for related matters. |
| 5 | Be it enacted by the Legislature of Louisiana: |
| 6 | Section 1. R.S. 22:41(13) and 1892(C)(1) are hereby amended and reenacted to read |
| 7 | as follows: |
| 8 | §41. Policyholder bill of rights |
| 9 | The following items exist in Louisiana statutes and shall serve as standards |
| 10 | for a policyholder bill of rights and do not create additional causes of actions or |
| 11 | further penalties not otherwise provided under Louisiana statutes: |
| 12 | * * * |
| 13 | (13) Policyholders shall have the right to receive payment of the amount of |
| 14 | any property damage claim, or a portion of the claim, due or a written offer to settle |
| 15 | any property damage claim within thirty days after receipt of satisfactory proof of |
| 16 | loss in accordance with the provisions of R.S. 22:1892 and 1973. If a claim is |
| 17 | denied, policyholders shall have the right to receive a written explanation as to the |
| 18 | reason for denial, in whole or in part, of any claim made under their policy of |
| 19 | insurance. |
| 20 | * * * |
| 21 | §1892. Payment and adjustment of claims, policies other than life and health and |
| 22 | accident; personal vehicle damage claims; extension of time to |
| 23 | respond to claims during emergency or disaster; penalties; arson- |
| 24 | related claims suspension |
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SB NO. 85 ENROLLED

C.(1) All claims brought by insureds, workers' compensation claimants, or third parties against an insurer shall be paid by check or draft of the insurer or, if offered by the insurer and the claimant requests, electronic transfer of funds to the order of the claimant to whom payment of the claim is due pursuant to the policy provisions, or his attorney, or upon direction of such the claimant to one specified; however, the check or draft shall be made jointly to the claimant and the employer when the employer has advanced the claims payment to the claimant. Such The check or draft shall be paid jointly until the amount of the advanced claims payment has been recovered by the employer.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ______