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**HOUSE FLOOR AMENDMENTS**

2019 Regular Session

Amendments proposed by Representative Hilferty to Engrossed House Bill No. 426 by Representative Hilferty

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S.  
3 9:1123.112(C),"

4 AMENDMENT NO. 2

5 On page 1, line 5, after "policy;" insert "to provide for coverage of betterments and  
6 improvements; to provide with respect to a unit owner's property insurance policy;"

7 AMENDMENT NO. 3

8 On page 1, line 8, change "R.S. 9:1123.112(C)(3) and (E) are" to "R.S. 9:1123.112(C) is"

9 AMENDMENT NO. 4

10 On page 1, line 13, delete the set of asterisks "\*\*\*\*" and insert the following:

11           (1) Each unit owner is an insured person under the policy with respect to  
12 liability arising out of ~~his~~ the unit owner's ownership of an individual interest in the  
13 common elements or membership in the association.

14           (2) The association's insurer waives its right to subrogation under the policy  
15 against any unit owner of the condominium or members of his household."

16 AMENDMENT NO. 5

17 On page 1, between lines 16 and 17, insert the following:

18           ~~"(4) If, at the time of a loss under the policy, there is other insurance in the~~  
19 ~~name of a unit owner covering the same property covered by the policy, the policy~~  
20 ~~is primary insurance not contributing with the other insurance. (a) A unit owner's~~  
21 ~~property insurance policy covering betterments and improvements shall be primary~~  
22 ~~for that unit owner's betterments and improvements to the extent of the value of the~~  
23 ~~betterments and improvements. The association property insurance policy shall~~  
24 ~~remain primary with respect to common elements, structural elements and~~  
25 ~~components, and fixtures and improvements of the condominium units that are not~~  
26 ~~classified as betterments and improvements to include damages caused by the event~~  
27 ~~giving rise to an insurance claim.~~

28           (b) For purposes of this Subsection, betterments and improvements include  
29 upgrades or improvements to a particular unit that are of a higher quality than those  
30 originally constructed within the units subject to the condominium regime. The  
31 replacement of worn or obsolete items shall not be considered betterments and  
32 improvements unless the items are upgrades or improvements that are of a higher  
33 quality than generally exist within units subject to the condominium regime. For  
34 insurance purposes, at the time of any loss, all unit improvements and betterments  
35 shall be considered the improvements and betterments of the current unit owner.

1                   (5) Nothing in this Section shall be construed to require the association to  
2                   insure a unit owner's individual liability except as set forth in Paragraph (C)(1) of  
3                   this Section. Nothing in this Section shall be construed to prevent the association  
4                   from pursuing any deductible or out-of-pocket expenses not covered by the  
5                   association's insurance policies."

6    AMENDMENT NO. 6

7    On page 1, delete lines 18 and 19 in their entirety and delete page 2 in its entirety