

RÉSUMÉ DIGEST

ACT 344 (HB 585)

2021 Regular Session

Geymann

Relative to homeowner's insurance claims, new law provides that an insurer shall issue a copy of the insurer's field adjuster report, relative to the insured's property damage claim, to the insured within 15 days of receiving a request for such.

Existing law provides that failure to make payment or a written offer to settle a property damage claim within 30 days after receipt of satisfactory proof of loss shall subject the insurer to a penalty of 50% damages on the amount found to be due from the insurer to the insured or \$1,000, whichever is greater.

Existing law provides that in the event a partial payment or tender has been made, the insurer shall be subject to a penalty of 50% of the difference between the amount paid or tendered and the amount found to be due as well as reasonable attorney fees and costs.

New law retains existing law but provides that in cases of a presidentially or gubernatorially declared disaster, failure to make payment on a claim or make a written settlement offer within 30 days of receiving proof and demand for such when such failure is arbitrary, capricious, or without probable cause shall subject the insurer to a penalty of 50% damages on the amount found to be due or \$2,500, whichever is greater.

New law provides that in the case of a presidentially or gubernatorially declared disaster, if a partial payment on a claim has been made, the insurer shall pay a penalty to the insured in the amount of 50% of the difference between the amount paid and the amount due as well as reasonable attorney fees or \$2,500, whichever is greater.

New law provides that the penalties in new law, if awarded, shall not be used by the insurer in computing past or prospective loss experience for the purpose of setting rates or making rate filings.

New law makes technical changes.

Effective August 1, 2021.

(Amends R.S. 22:1892(B)(1); Adds R.S. 22:1892(A)(5))