

2022 Regular Session

HOUSE BILL NO. 317

BY REPRESENTATIVE WILLARD

INSURANCE/POLICIES: Provides for hurricane, named storm, and wind and hail deductibles

1 AN ACT

2 To enact R.S. 22:1337(D), relative to homeowners' insurance policies; to provide for policy
3 deductibles as applied to named storm, hurricane, and wind and hail deductibles; to
4 require the execution of a separate form that lists the specific amount for each
5 deductible expressed as a percentage of the insured value of the property or as a
6 specific dollar amount or both; to provide for an effective date; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1337(D) is hereby enacted to read as follows:

10 §1337. Homeowners' insurance deductibles applied to named-storms, hurricanes,
11 and wind and hail deductibles

12 * * *

13 D.(1) The commissioner shall prescribe a separate form regarding named
14 storm, hurricane, and wind and hail deductibles proposed in a policy of homeowners'
15 insurance. The form shall list the specific amount for each deductible expressed as
16 a percentage of the insured value of the property, or as a specific dollar amount, or
17 as both. The form shall be provided by the insurer and signed by the named insured
18 or his legal representative prior to the effective date of the insurance policy.

19 (2) The signed form shall become a part of the policy, irrespective of
20 whether it is physically attached to the policy. A new form as required by this

1 Subsection shall be provided and signed by the insured prior to any agreement
2 changing the amount of any deductible.

3 Section 2. This Act shall become effective on January 1, 2023; if vetoed by the
4 governor and subsequently approved by the legislature, this Act shall become effective on
5 January 1, 2023, or on the day following such approval by the legislature, whichever is later.

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 317 Original

2022 Regular Session

Willard

Abstract: Provides for hurricane, named storm, and wind and hail deductibles.

Present law provides that for all homeowners' insurance policies or other policies insuring a one- or two-family owner occupied premises for fire and allied lines, issued or renewed by authorized insurers on or after Jan. 1, 2010, any separate deductible that applies in place of any other deductible to loss or damage resulting from a named storm or hurricane shall be applied on an annual basis to all named-storm or hurricane losses that are subject to the separate deductible during a calendar year.

Present law permits an insurer to apply a deductible to succeeding named storms or hurricanes that is equal to the remaining amount of the separate deductible, or the amount of the deductible that applies to all perils other than a named storm or hurricane, whichever is greater if an insured incurs named storm or hurricane losses from more than one named storm or hurricane during a calendar year that are subject to the separate deductibles referred to in present law.

Proposed law retains present law.

Proposed law requires the commissioner to prescribe a separate form regarding named storm, hurricane, and wind and hail deductibles proposed in a homeowner's insurance policy that lists the specific amount for each deductible expressed as a percentage of the insured value of the property, or as a specific dollar amount, or as both. The form shall be provided by the insurer and signed by the named insured or his legal representative prior to the effective date of the policy.

Proposed law requires the form to become a part of the homeowner's insurance policy, irrespective of whether it is physically attached.

Proposed law provides that a new form shall be provided and signed by the insured prior to an agreement changing the amount of any deductible.

Effective Jan. 1, 2023.

(Adds R.S. 22:1337(D))