

2022 Regular Session

SENATE BILL NO. 331

BY SENATOR STINE

INSURANCE CLAIMS. Provides for transparency involving residential or commercial property damaged by a named storm or windstorm. (8/1/22)

1 AN ACT
2 To amend and reenact R.S. 22:1896(A), relative to residential or commercial property
3 insurance; to require an insurer to send a policyholder of a residential or commercial
4 property insurance claim a copy of the Louisiana Bill of Rights under certain terms
5 and conditions; to require an insurer to provide a policyholder of a residential or
6 commercial property insurance claim certain documents under certain terms and
7 conditions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1896(A) is hereby amended to read as follows:

10 §1896. Right to transparency and integrity in adjustment of property claims

11 A.(1) An insurer of a residential or commercial property shall respond to all
12 inquiries or requests from the insured within fourteen days of the inquiry or request,
13 unless such time period to respond has been extended by the commissioner of
14 insurance because of a disaster or emergency declared in accordance with R.S.
15 29:721 et seq.

16 **(2) An insurer shall provide a copy of the Louisiana Policyholder Bill of**
17 **Rights disclosure notice to a policyholder who has filed a residential or a**

1 commercial property insurance claim for property damaged in this state and
 2 the property damage is in an area of the named storm or windstorm that is the
 3 subject of the declared state of emergency or disaster pursuant to R.S. 29:724.
 4 The insurer shall send the notice no later than the initial investigation of the
 5 claim by an adjuster. The notice may be sent by United States mail, electronic
 6 delivery, or hand delivery.

7 (3) Until a final settlement is reached between the insurer and the
 8 policyholder of a residential or commercial property insurance claim for
 9 property damaged in this state and the property damage is in an area of the
 10 named storm or windstorm that is the subject of the declared state of
 11 emergency or disaster pursuant to R.S. 29:724, the insurer shall send the
 12 policyholder any estimates, bids, plans, measurements, drawings, engineer
 13 reports, contractor reports, recordings of communications between the
 14 policyholder and the insurer, or the insurer's contractors, statements, or
 15 documents that are not legally privileged that the insurer prepared, had
 16 prepared, or used during its adjustment of the policyholder's claim. The insurer
 17 shall send this information to the policyholder within thirty days from the date
 18 the documents were prepared. The documents may be sent by United States
 19 mail, electronic delivery, or hand delivery.

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Beth O'Quin.

SB 331 Original

DIGEST
2022 Regular Session

Stine

Present law requires an insurer to respond within 14 days from the date an insured made an inquiry or request to the insurer that arises out of a state of emergency or disaster declared by the governor.

Proposed law retains present law but requires an insurer to provide a copy of the Louisiana Bill of Rights disclosure notice to a policyholder who filed a residential or a commercial property insurance claim and the property damaged is located in this state and the property damaged is in the area that the named storm or windstorm is the subject of the state of emergency or disaster declared by the governor. Requires the insurer to send the notice to the policyholder no later than the initial investigation of the claim by an adjuster. Provides the notice may be sent by US mail, electronic delivery, or hand delivery.

Proposed law retains present law but requires that until a settlement is reached between the insurer and the policyholder, the insurer must provide certain documents to the policyholder of a residential or commercial property insurance claim for property located in this state and the property is damaged in an area the named storm or windstorm is the subject of the state of emergency or disaster declared by the governor. Requires the insurer to send certain documents 30 days after the documents were prepared. Provides the insurer may send the documents by US mail, electronic delivery, or hand delivery.

Effective on August 1, 2022.

(Amends R.S. 22:1896(A))