HLS 22RS-756 ENGROSSED

2022 Regular Session

HOUSE BILL NO. 316

1

BY REPRESENTATIVE WILLARD

INSURANCE CLAIMS: Provides for the transmission of certain documents and recordings from insurers to insureds in times of a gubernatorially declared disaster

AN ACT

2 To enact R.S. 22:1892(A)(6), relative to claims adjustment practices; to provide that in times 3 of a gubernatorially declared disaster, claimants are informed of their rights under 4 the policyholder bill of rights; to provide that in times of a gubernatorially declared 5 disaster, insurers shall transmit certain documents to insureds within thirty days of 6 their creation; and to provide for related matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 22:1892(A)(6) is hereby enacted to read as follows: 9 §1892. Payment and adjustment of claims, policies other than life and health and 10 accident; vehicle damage claims; extension of time to respond to claims 11 during emergency or disaster; penalties; arson-related claims suspension 12 A. 13 14 (6)(a) In the case of a gubernatorially declared disaster, an insurer shall 15 provide the insured a copy of the insured's insurance policy and a copy of the 16 policyholder bill of rights as provided for in R.S. 22:41 upon initial adjustment of a 17 property damage claim, other than an automobile insurance claim. (b) In the case of a gubernatorially declared disaster, until a settlement has 18 19 been agreed upon by the insurer and the insured, the insurer shall provide the insured 20 with an electronic copy of each of the following within thirty days of its creation,

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1 relative to an insured's property damage claim, other than an automobile insurance 2 claim: 3 (i) Estimates. 4 (ii) Bids. 5 (iii) Plans. 6 (iv) Measurements. 7 (v) Drawings. 8 (vi) Engineer reports. 9 (vii) Contractor reports. 10 (viii) Recordings of communication between the insured and the insurer or 11 the insurer's contractor. 12 (ix) Any statements or documents that are not privileged that the insurer prepared, had prepared on the insurer's behalf, or used during the adjustment of the 13 14 claim. 15

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)]

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Abstract: Requires the transmission of certain documents and recordings from insurers to insureds in times of a gubernatorially declared disaster.

<u>Present law</u> provides certain claims settlement practices for property damage claims and prescribes penalties for insurers who violate such practices.

<u>Proposed law</u> retains <u>present law</u> and provides that in the case of a gubernatorially declared disaster, an insurer shall provide the insured a copy of his insurance policy and a copy of the policyholder bill of rights upon initial adjustment of a property damage claim, other than an automobile insurance claim.

<u>Proposed law</u> provides that in the case of a gubernatorially declared disaster, until a settlement has been agreed upon by the insurer and insured, the insurer shall provide the insured with an electronic copy of the following within 30 days of its creation:

- (1) Estimates.
- (2) Bids.

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- (3) Plans.
- (4) Measurements.
- (5) Drawings.
- (6) Engineer reports.
- (7) Contractor reports.
- (8) Recordings of communication between the insured and the insurer or the insurer's contractor.
- (9) Any statements or documents that are not privileged that the insurer prepared, had prepared on the insurer's behalf, or used during the adjustment of the claim.

(Adds R.S. 22:1892(A)(6))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Insurance</u> to the <u>original</u> bill:

1. Make technical changes.