

RÉSUMÉ DIGEST

ACT 80 (SB 163)

2022 Regular Session

Talbot

New law requires the commissioner to promulgate certain rules and regulations relative to a catastrophe claim process disclosure form that includes but is not limited to the following:

- (1) An explanation of the claims process and the manner through which the insurer should communicate with the insured, subject to the terms and conditions of the insurance policy.
- (2) An explanation of the supplemental claim process and the manner through which the insurer should communicate with the insured, subject to the terms and conditions of the insurance policy.
- (3) An explanation of the methodology used to calculate the percentage of the insured value of the property applicable to the insured's hurricane, named storm, wind, and hail deductibles.
- (4) An explanation of the difference between the actual cash valuation and the replacement cost valuation.
- (5) The rights and protections a policyholder has under state law.
- (6) An explanation of the duties a policyholder has in order to settle an insurance claim.
- (7) An explanation of the items necessary to properly document an insurance claim.
- (8) An explanation of the procedure for filing a complaint with the department.
- (9) A statement that informs the policyholder that if he files a claim for damage to a property subject to a mortgage, he may be required to notify the lender or mortgage servicer of the claims.
- (10) A statement that informs the policyholder that if he receives proceeds from an insurance settlement for damage to a property subject to a mortgage, the policyholder may be required to contact the lender or mortgage servicer, as the lender or mortgage servicer may be a named payee whose endorsement may be required prior to depositing the insurance proceeds.
- (11) An explanation of the procedure for filing a complaint with the Office of Financial Institutions.
- (12) The process for utilizing the Hurricane Mediation Program if there is a disputed residential property insurance claim for property damage.

New law provides that if the governor declares a state of emergency, insurers settling property insurance claims that arise out of the state of emergency shall send to a policyholder filing a property damage claim, the catastrophe claim process disclosure form.

New law provides that the insurer shall send the disclosure form to the policyholder no later than the date of the initial investigation of the claim by an adjuster.

New law provides that the disclosure form may be sent by U.S. mail, electronic delivery, or hand delivery.

New law provides that nothing in proposed law shall be construed to provide a policyholder with a civil cause of action.

Effective January 1, 2023.

(Adds R.S. 22:1897)