

RÉSUMÉ DIGEST

ACT 331 (HB 317)

2022 Regular Session

Willard

Existing 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.

Existing 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 existing law.

New law retains existing law.

New law requires the commissioner of insurance 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, as a specific dollar amount, or as both.

New law provides that for new policies with an effective date after Jan. 1, 2023, an insurer shall provide the form and request that it be signed by the named insured or his legal representative.

New law provides that the completion of a new form shall not be required if a renewal, reinstatement, substitute, or amended policy is issued to the same named insured by the same insurer or any of its affiliates.

New law requires insurers to provide a new form and request that it be signed by the named insured or his legal representative, if the insurer changes the percentage or specific dollar amount of a deductible.

New law provides that if the policy uses a percentage deductible, a new form will not be required if the dollar amount of the deductible changes, because of an increase in policy limits; however a new form is required if the percentage changes.

New law provides that a new form is for informational purposes only.

New law requires an insurer to transmit the form to the insured electronically and provide a method whereby the insured may sign the form electronically, if the policy is purchased using electronic means or the insured elects to receive documents electronically.

New law provides that nothing in new law shall be interpreted to create a cause of action not otherwise provided by law.

Effective January 1, 2023.

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