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

SB 106 Original DIGEST Smith
2023 Regular Session

Present law provides a policyholder has a right to request and receive from his insurance company any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, or documents that are in connection to the insured's property damage insurance claim unless the record is legally privileged that the insurer prepared, had prepared, or used in adjusting a policyholder's claim. Present law provides an insurance company is authorized to keep confidential any adjuster notes, logs, and any other document prepared in conjunction with a fraud investigation.

Proposed law retains present law but adds photographs, video recordings, and communications. Proposed law retains present law but adds communications to legally privileged and confidential as provided by proposed law.

Present law does not require an insurer provide an insured any records included in the policyholder bill of rights.

Proposed law provides an insured has the right to request and receive from an insurer any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, documents, or communications in connection to the insured's property damage insurance claim, unless the record is legally privileged that an insurer prepared, had prepared, or used during its adjustment of the insured's claim. Proposed law authorizes an insurer is allowed to keep confidential any adjuster notes, logs, and other documents or communications prepared in conjunction with a fraud investigation.

Proposed law requires an insured make a written request to his insurer for any records required by proposed law. Provides the insured is authorized to mail or to hand deliver the records request to the insurer.

Proposed law requires an insurer respond within 15 days upon receipt of an insured's records request. Requires an insurer make copies of any records an insured requested unless the record is legally privileged or confidential as provided by proposed law.

Proposed law requires an insurer to permanently maintain records provided for by proposed law.

Proposed law provides a breach of the proposed law is a breach of an insurer's duty of good faith and fair dealing that subjects an insurer to penalties set forth in law.

Effective August 1, 2023.

(Amends R.S. 22:41(14); adds R.S. 22:1899)