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

DIGEST

SB 96 Engrossed 2023 Regular Session Talbot

Present law exempts the Louisiana Insurance Guaranty Association Fund from liability for special damages awarded for a property damage insurance claim under present law.

Proposed law changes "special damages" to ""damages" and adds any penalties awarded under present law. Proposed law adds the Louisiana Citizens Property Insurance Corporation (corporation) to the exemption.

Present law provides exceptions from immunity if a person commits a tort or criminal act, or the corporation, or its producers breach any insurance contracts or agreements, or the corporation fails to issue or pay debts, or an insurer's action fails to enforce any obligations under law.

Proposed law retains present law but adds the corporation is liable for any supervisory or regulatory action, examination, or audit that is taken by the commissioner.

Present law provides an insurer is subject to penalties, attorney fees, and cost when a property damage insurance claim is not paid within the time periods set forth by law and the insurer's failure to pay was arbitrary, capricious, or without probable cause.

Present law requires insurers pay court costs, attorney fees, or penalty fees for property damage insurance claims not paid within the time period required by law.

Proposed law retains present law but adds an exclusion for the Louisiana Insurance Guaranty Association and the Louisiana Citizens Property Insurance Corporation from the penalties provided under present law.

Effective August 1, 2023.

(Amends R.S. 22:1973(F) and 2296; adds R.S. 22:1892(H))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical changes.