

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 106 by Senator Smith

1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" delete "R.S. 22:1899" and insert "R.S. 22:1964(14)(p)"

3 AMENDMENT NO. 2

4 On page 1, line 6, delete "permanently"

5 AMENDMENT NO. 3

6 On page 1, line 7, delete "to provide penalties;"

7 AMENDMENT NO. 4

8 On page 1, line 10, change "R.S. 22:1899" to "R.S. 22:1964(14)(p)"

9 AMENDMENT NO. 5

10 On page 1, line 16, delete "(1)" and delete line 17, and on page 2, delete 1 through 28, and
11 on page 3, delete lines 1 through 4 and insert the following:

12 "(14) Relative to first party property damage claims, policyholders shall have
13 the right to request and receive from the insurance company **a written report on any**
14 **portion of the claim file, including but not limited to** any estimates, bids, plans,
15 measurements, drawings, engineer reports, contractor reports, statements,
16 **photographs, video recordings, or any other** documents **or communications** that
17 **are not unless the record is legally privileged** that the insurance company prepared,
18 or used during its adjustment of the policyholder's claim **in accordance with R.S.**
19 **22:1964(14).** ~~A~~ **An insurance** company may keep confidential adjuster notes, logs,
20 and any **other** documents **or communications** prepared in conjunction with a fraud
21 investigation **in accordance with R.S. 22:1964(14).**

22 * * *

23 §1964. Methods, acts, and practices which are defined as unfair or deceptive

24 The following are declared to be unfair methods of competition and unfair
25 or deceptive acts or practices in the business of insurance:

26 * * *

27 (14) Unfair claims settlement practices. Committing or performing with such
28 frequency as to indicate a general business practice any of the following:

29 * * *

31 **(p) An insurer failing to make available upon the written request of an**
32 **insured any portion of the claim file, including but not limited to estimates, bids,**
33 **plans, measurements, drawings, engineer reports, contractor reports,**
34 **statements, photographs, video recordings, or any other documents or**
35 **communications unless the record is legally privileged that the insurer**
36 **prepared, had prepared, or used during its adjustment of the insured's claim.**
37 **An insurer may keep confidential any adjuster notes, logs, and any other**
38 **documents or communications prepared in conjunction with a fraud**
39 **investigation.**"