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

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SB 106 Reengrossed

DIGEST  
2023 Regular Session

Smith

Present law provides the policyholder bill of rights include a policyholder has a right to request and receive from his insurer any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, or documents in connection to the insured's property damage insurance claim that the insurer had prepared, or used during its adjustment of the policyholder's claim, and authorizes the insurer 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 a policyholder has the right to request and receive a written report on any portion of the claim file, including but not limited to photographs, video recordings, and communications unless the record is legally privileged that the insurer prepared, had prepared, or used in adjusting a policyholder's claim in accordance with law, and adds communications prepared in conjunction with a fraud investigation that is in accordance with law.

Proposed law retains present law but adds an insurer failing to make available upon the written request of an insured any portion of the claim file, including but not limited to any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, documents, or communications, 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 to keep confidential any adjuster notes, logs, and other documents or communications prepared in conjunction with a fraud investigation.

Effective August 1, 2023.

(Amends R.S. 22:41(14); adds R.S. 22:1964(14)(p))

Summary of Amendments Adopted by Senate

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

1. Adds a written request for any portion of the claim file unless its legally privileged.
2. Adds items the insurer is required to provide the insured unless the claim file is legally privileged and authorizes the insurer to keep confidential certain documents and communications that are in conjunction with a fraud investigation.

Senate Floor Amendments to engrossed bill

1. Makes a technical change.