
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Substitute for Original House Bill No. 287 by Representative Cormier as proposed by the House Committee on Insurance

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 22:41(14), relative to the policyholder bill of rights; to require an insurer to make certain records of an insured's property damage insurance claim readily available to the insured; to provide for the electronic delivery of unaltered initial estimates and supporting documents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41(14) is hereby amended and reenacted to read as follows:

§41. Policyholder bill of rights

The following items exist in Louisiana statutes and shall serve as standards for a policyholder bill of rights and do not create additional causes of actions or further penalties not otherwise provided under Louisiana statutes:

* * *

(14) Relative to first party property damage claims, ~~policyholders shall have the right to request and receive from the insurance company any~~ upon receipt from an onsite field adjuster, an insurer shall furnish the insured with the unaltered initial estimate and supporting documents via an online portal or through electronic mail. Supporting documents shall include estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, photographs, video recordings, statements or documents that are not legally privileged that the insurance company prepared, had prepared, or used during its adjustment of the policyholder's claim. A policyholder that fails to create an online account or fails to provide an electronic mail address to the insurer shall submit a request to the insurer to gain access to the unaltered initial estimate and supporting documents. A company may keep confidential adjuster notes, logs, and any documents prepared in conjunction with a fraud investigation.

* * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB Draft

2023 Regular Session

Abstract: Provides for a policyholder's right to evaluate, assess, and inspect specific documentation that an insurer has acquired while inspecting the insured's property damage insurance claim.

Present law states that a policyholder has the right to request and receive from his insurance company all of the following:

- (1) Estimates.
- (2) Bids.
- (3) Plans.
- (4) Measurements.
- (5) Drawings.
- (6) Engineer reports.
- (7) Contractor reports.
- (8) All other statements or documents that are not legally privileged that the insurance company prepared.

Proposed law provides that upon receipt from an onsite field adjuster, an insurer shall furnish the insured with all of the following:

- (1) Unaltered initial estimates.
- (2) Bids.
- (3) Plans.
- (4) Measurements.
- (5) Drawings.
- (6) Engineer reports.
- (7) Contractor reports.
- (8) Photographs.
- (9) Video recordings.
- (10) All other statements or documents that are not legally privileged that the insurance company prepared.

Present law provides that an insurer shall have a right to request and receive specific supporting documents.

Proposed law repeals present law. Proposed law further provides that an insurer shall automatically receive specific supporting documents without having to request them.

Proposed law provides that a policyholder that fails to create an online account or that fails to provide their electronic mail address to the insurer may submit a request to the insurer to gain access to the unaltered initial estimate and supporting documents.

Present law provides that an insurance company may keep all of the following information confidential: adjuster notes, adjuster logs, and any documents prepared in furtherance of a fraud investigation.

Proposed law retains present law.

(Amends R.S. 22:41(14))