
HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Insurance to Original House Bill No. 601
by Representative Huval

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 and 3 in their entirety and insert in lieu thereof:

3 "To amend and reenact R.S. 22:1892(A)(1) through (4) and (B)(1) and (4),
4 and 1973(B)(5) and (6), to enact R.S. 22:46(29) through (32) and 1892.2, and to
5 repeal R.S. 22:1892(A)(5) and (6), (B)(6), and (E)"

6 AMENDMENT NO. 2

7 On page 1, line 5, delete "define terms;" and insert in lieu thereof "provide for definitions;"

8 AMENDMENT NO. 3

9 On page 1, delete line 11 and 12 in their entirety and insert in lieu thereof:

10 "Section 1. R.S. 22:1892(A)(1) through (4), (B)(1) and (4), and 1973(B)(5)
11 and (6) are hereby amended and reenacted and R.S. 22:46(29) through (32) and
12 1892.2 are hereby enacted to read as"

13 AMENDMENT NO. 4

14 On page 2, delete lines 4 and 5 in their entirety and insert in lieu thereof:

15 "(31) "Disinterested" means that a party does not have, nor has he ever had,
16 a pecuniary or monetary interest in the claim, a familial relationship with either
17 party, or an employee or employer relationship with either party."

18 AMENDMENT NO. 5

19 On page 2, line 10, delete "immovable property, and accident;" and insert in lieu thereof
20 "and accident; immovable property claims;"

21 AMENDMENT NO. 6

22 On page 2, line 13, delete "~~All Insurers~~" and insert in lieu thereof "~~All insurers~~ Insurers"

23 AMENDMENT NO. 7

24 On page 2, line 20, change "which is" to "which are"

25 AMENDMENT NO. 8

26 On page 2, line 21, after "R.S. 22:1892.2" insert a comma "," and "or manufactured and
27 modular homes as defined by R.S. 51:911.22"

28 AMENDMENT NO. 9

29 On page 2, line 22, delete "~~All Insurers~~" and insert in lieu thereof "~~All insurers~~ Insurers"

30 AMENDMENT NO. 10

1 On page 2, line 23, delete "~~and or~~" and insert "and"

2 AMENDMENT NO. 11

3 On page 2, line 25, after "claim due" insert "to"

4 AMENDMENT NO. 12

5 On page 3, line 8, delete "must" and insert "shall"

6 AMENDMENT NO. 13

7 On page 3, delete lines 16 through 20 in their entirety and insert in lieu thereof the following:

8 "B.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, failure
9 to make such payment within thirty days after receipt of such satisfactory written
10 proofs and demand therefor or failure to make a written offer to settle any property
11 damage claim, including a third-party claim, within thirty days after receipt of
12 satisfactory proofs of loss of that claim, as provided in Paragraphs (A)(1) and (4) of
13 this Section, respectively, or failure to make such payment within thirty days after
14 written agreement or settlement as provided in Paragraph (A)(2) of this Section when
15 such failure is found to be arbitrary, capricious, or without ~~probable~~ reasonable
16 cause, shall subject the insurer to a penalty, in addition to the amount of the loss, of
17 fifty percent damages on the amount found to be due from the insurer to the insured,
18 or one thousand dollars, whichever is greater, payable to the insured, or in the event
19 a partial payment or tender has been made, fifty percent of the difference between
20 the amount paid or tendered and the amount found to be due as well as reasonable
21 attorney fees and costs. Such penalties, if awarded, shall not be used by the insurer
22 in computing either past or prospective loss experience for the purpose of setting
23 rates or making rate filings.

24 (b) In the case of a presidentially or gubernatorially declared disaster, failure
25 to make such payment within thirty days after receipt of such satisfactory written
26 proofs and demand therefor or failure to make a written offer to settle any property
27 damage claim, including a third-party claim, within thirty days after receipt of
28 satisfactory proofs of loss of that claim, as provided in Paragraphs (A)(1) and (4) of
29 this Section, respectively, or failure to make such payment within thirty days after
30 written agreement or settlement as provided in Paragraph (A)(2) of this Section when
31 such failure is found to be arbitrary, capricious, or without ~~probable~~ reasonable
32 cause, shall subject the insurer to a penalty, in addition to the amount of the loss, of
33 fifty percent damages on the amount found to be due from the insurer to the insured,
34 or two thousand five hundred dollars, whichever is greater, payable to the insured,
35 or in the event a partial payment or tender has been made, fifty percent of the
36 difference between the amount paid or tendered and the amount found to be due as
37 well as reasonable attorney fees and costs or two thousand five hundred dollars,
38 whichever is greater. The penalties, if awarded, shall not be used by the insurer in
39 computing either past or prospective loss experience for the purpose of setting rates
40 or making rate filings.

41 (c) Claims for penalties and attorney fees pursuant to this Paragraph are
42 subject to a liberative prescriptive period of two years.

43 * * *

44 (4) Whenever a property damage claim is on a personal vehicle owned by
45 the third party claimant and as a direct consequence of the inactions of the insurer
46 and the third party claimant's loss the third party claimant is deprived of use of the
47 personal vehicle for more than five working days, excluding Saturdays, Sundays, and
48 holidays, the insurer responsible for payment of the claim shall pay, to the extent

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 legally responsible, for reasonable expenses incurred by the third party claimant in
 2 obtaining alternative transportation for the entire period of time during which the
 3 third party claimant is without the use of his personal vehicle. Failure to make such
 4 payment within thirty days after receipt of adequate written proof and demand
 5 therefor, when such failure is found to be arbitrary, capricious, or without ~~probable~~
 6 reasonable cause shall subject the insurer to, in addition to the amount of such
 7 reasonable expenses incurred, a reasonable penalty not to exceed ten percent of such
 8 reasonable expenses or one thousand dollars whichever is greater together with
 9 reasonable ~~attorneys~~ attorney fees for the collection of such expenses.

10 * * *

11 AMENDMENT NO. 14

12 On page 3, line 24, delete "All insurers" and insert "Insurers"

13 AMENDMENT NO. 15

14 On page 3, delete line 25 in its entirety and insert in lieu thereof:

15 "property, including manufactured and modular homes as defined by R.S.
 16 51:911.22, shall transmit payment of the undisputed amount of any claim due to any"

17 AMENDMENT NO. 16

18 On page 4, line 1, change "section" to "Section"

19 AMENDMENT NO. 17

20 On page 4, line 3, after "immovable property," insert "including manufactured and modular
 21 homes as defined by R.S. 51:911.22,"

22 AMENDMENT NO. 18

23 On page 4, line 7, after "insured." delete the remainder of the line and delete lines 8 through
 24 12 in their entirety and insert in lieu thereof the following:

25 "An insurer may require completion of a signed statement in proof of loss as
 26 a condition of its receipt of a satisfactory proof of loss. A signed statement in proof
 27 of loss is based on the insured's knowledge of the claim at the time of the statement,
 28 and does not preclude the insured from submitting a new signed proof of loss
 29 statement if any additional, covered damages is discovered. An insurer is not
 30 deemed to have received satisfactory proof of loss until it has initiated a loss
 31 adjustment in accordance with Paragraph (3) of this Subsection."

32 AMENDMENT NO. 19

33 On page 4, line 14, delete "expenses"

34 AMENDMENT NO. 20

35 On page 4, line 17, after "insured." delete the remainder of the line and insert in lieu thereof:

36 "The insurer shall send acknowledgment of its receipt to the insured"

1 AMENDMENT NO. 21

2 On page 4, line 22, delete "22:1892.2(A)(3)(a)" and insert in lieu thereof "Subparagraph (a)
3 of this Paragraph"

4 AMENDMENT NO. 22

5 On page 4, at the end of line 28, insert a period "." and delete line 29 in its entirety

6 AMENDMENT NO. 23

7 On page 5, delete lines 1 through 3 in their entirety and insert in lieu thereof the following:

8 "However, the commissioner may promulgate and adopt a rule in accordance
9 with the Administrative Procedure Act to extend the time period up to an additional
10 thirty days for an insurer to initiate a loss adjustment claim for damages arising from
11 a presidentially declared emergency or disaster or a gubernatorially declared
12 emergency or disaster. Thereafter, only one additional extension of the period of
13 time"

14 AMENDMENT NO. 24

15 On page 5, line 4, change "must" and to "shall"

16 AMENDMENT NO. 25

17 On page 5, page 7, change "sworn" to "signed"

18 AMENDMENT NO. 26

19 On page 5, at the end of line 8, delete "is" and delete lines 9 through 11 in their entirety and
20 insert in lieu thereof the following:

21 "shall provide the insured a form on which the insured shall submit his signed
22 statement in proof of loss within thirty days after the insured's notification of loss as
23 prescribed in this Subparagraph. The insurer shall send acknowledgment of its
24 receipt to the insured either by United States mail, private"

25 AMENDMENT NO. 27

26 On page 5, line 16, delete "deadlines" and insert in lieu thereof "insurer's deadlines for
27 initiating the loss adjustment of a property damage claim as"

28 AMENDMENT NO. 28

29 On page 5, line 20, delete "forms," and insert in lieu thereof "or forms, or within fifteen days
30 from the"

31 AMENDMENT NO. 29

32 On page 5, at the end of line 26, insert "after"

33 AMENDMENT NO. 30

34 On page 6, line 4, delete "(e) and (f)" and insert in lieu thereof "Subparagraphs (e) and (f)
35 of this Paragraph"

36 AMENDMENT NO. 31

- 1 On page 6, line 6, after "claim due" insert "to"
- 2 AMENDMENT NO. 32
- 3 On page 6, line 8, delete "Paragraph(A)(1)" and insert in lieu thereof "Paragraph (1) of this
4 Subsection"
- 5 AMENDMENT NO. 33
- 6 On page 6, line 13, change "cost" to "costs"
- 7 AMENDMENT NO. 34
- 8 On page 6, at the end of line 14, delete "statute" and insert "Section"
- 9 AMENDMENT NO. 35
- 10 On page 6, line 15, delete "22:1973" and insert "R.S. 22:1973"
- 11 AMENDMENT NO. 36
- 12 On page 6, line 28, change "Subparagraph" to "Subparagraphs"
- 13 AMENDMENT NO. 37
- 14 On page 6, line 29, after "Section" delete the comma ","
- 15 AMENDMENT NO. 38
- 16 On page 7, line 1, change "(A)(1) and through (3)" to "(A)(1) through (3)"
- 17 AMENDMENT NO. 39
- 18 On page 7, line 22, change "attorneys" to "attorney"
- 19 AMENDMENT NO. 40
- 20 On page 7, line 24, delete "set herein" and insert "prescribed in Subsection C of this Section"
- 21 AMENDMENT NO. 41
- 22 On page 7, line 25, change "shall not" to "do not"
- 23 AMENDMENT NO. 42
- 24 On page 7, line 26, change "arson related" to "arson-related"
- 25 AMENDMENT NO. 43
- 26 On page 7, line 28, after "relative to" insert "the"
- 27 AMENDMENT NO. 44
- 28 On page 8, line 3, change "shall not" to "do not"
- 29 AMENDMENT NO. 45
- 30 On page 8, at the end of line 11, change "cost" to "costs"

1 AMENDMENT NO. 46

2 On page 8, delete lines 16 and 17 in their entirety and insert in lieu thereof the following:

3 "(c) In an insurance policy covering damaged property, the insured shall
4 provide, on a form approved by the commissioner, notice to the insured that
5 depreciation may be deducted or withheld from a claim payment."

6 AMENDMENT NO. 47

7 On page 8, line 19, after "explanation" insert "to the insured"

8 AMENDMENT NO. 48

9 On page 8, line 23, after "claims" insert "for losses resulting from fire"

10 AMENDMENT NO. 49

11 On page 8, line 28, delete "No insurer shall" and insert "An insurer shall not"

12 AMENDMENT NO. 50

13 On page 9, line 14, delete "is required to include" and insert "shall include a"

14 AMENDMENT NO. 51

15 On page 9, line 24, change "company" to "Company"

16 AMENDMENT NO. 52

17 On page 9, line 29, after "impartial" insert a comma "," and change "their" to "his"

18 AMENDMENT NO. 53

19 On page 10, line 2, after "impartial" insert a comma ","

20 AMENDMENT NO. 54

21 On page 10, line 19, after "Company" insert a comma "," and delete the remainder of the line

22 AMENDMENT NO. 55

23 On page 10, line 20, delete "for appraisal,"

24 AMENDMENT NO. 56

25 On page 10, line 22, after "pursuant to this clause." insert a quotation mark "" and delete
26 the remainder of the line and delete lines 23 through 26 in their entirety

27 AMENDMENT NO. 57

28 On page 11, delete line 2 in its entirety and insert in lieu thereof:

29 "shall provide the other party with written documentation of the"

30 AMENDMENT NO. 58

31 On page 11, line 4, delete "which shall be"

1 AMENDMENT NO. 59

2 On page 11, line 6, after "applicable." delete the remainder of the line and delete lines 7 and
3 8 in their entirety and insert in lieu thereof "Appraisers shall provide the itemized estimates
4 to the insured and insurer within fifteen days of completion."

5 AMENDMENT NO. 60

6 On page 11, line 3, delete "identifying each item that is in dispute" and insert in lieu thereof:

7 "identifying the items of the dispute"

8 AMENDMENT NO. 61

9 On page 11, line 9, change "must" to "shall"

10 AMENDMENT NO. 62

11 On page 11, line 10, delete "and shall be"

12 AMENDMENT NO. 63

13 On page 11, delete lines 12 through 17 in their entirety and insert in lieu thereof the
14 following:

15 "(6) An insurer's tender of undisputed additional amounts to the insured
16 within thirty days of the insurer's receipt of a valid appraisal award does not
17 constitute evidence of bad faith on the part of the insurer.

18 "(7) If either party to an appraisal feels engagement of a specialist is required
19 to assist the appraisers, either party may engage such specialist at its own costs and
20 the findings of such specialist shall be considered by the appraisers or umpire before
21 arriving at an appraisal award."

22 AMENDMENT NO. 64

23 On page 11, line 19, change "costs" to "cost"

24 AMENDMENT NO. 65

25 On page 12, line 1, after "pay the" insert "undisputed" and after "claim due" insert "to"

26 AMENDMENT NO. 66

27 On page 12, after line 8, add the following:

28 "Section 3. The Legislature of Louisiana hereby changes the language of "probable
29 cause" to "reasonable cause" in R.S. 22:1892 and 1973 for the sole purpose of avoiding
30 confusion with the definition of "probable cause" found in Title 14 of the Louisiana Revised
31 Statutes of 1950, the Code of Criminal Procedure, and the Code of Evidence."