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**SENATE FLOOR AMENDMENTS**

2023 Regular Session

Amendments proposed by Senator Talbot to Engrossed Senate Bill No. 96 by Senator Talbot

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1 AMENDMENT NO. 1

2 On page 1, line 3 and 4, delete "and the Louisiana Citizens Property Insurance Corporation"

3 AMENDMENT NO. 2

4 On page 1, line 5, after "claims;" insert "to provide relative to the Louisiana Citizens  
5 Property Insurance Corporation;"

6 AMENDMENT NO. 3

7 On page 1, delete lines 16 and 17, insert the following:

8 **"22:2051 et seq., shall not be liable for any damages including"**

9 AMENDMENT NO. 4

10 On page 2, delete lines 6 and 7, insert the following:

11 "22:2051 et seq., shall not be liable for any ~~special~~ damages"

12 AMENDMENT NO. 5

13 On page 3, below line 9, add the following:

14 **"(6) The corporation when the procedure for filing claims pursuant to R.S.**  
15 **22:1892 and 1973 in Subsection C of this Section is followed.**

16 **C. Notwithstanding any provision of law to the contrary, in any claim for**  
17 **damages including any penalties pursuant to R.S. 22:1892 and 1973, no cause of action**  
18 **shall arise until a named or omnibus insured or a named beneficiary has established**  
19 **through an adverse adjudication by a court of law that the property insurer breached**  
20 **the insurance contract and a final judgment or decree has been rendered against the**  
21 **insurer. Acceptance of an offer of judgment or the payment of an appraisal award does**  
22 **not constitute an adverse adjudication under this Section. The difference between an**  
23 **insurer's appraiser's final estimate and the appraisal award may be evidence of bad**  
24 **faith to prevail in a claim for damages and any penalties pursuant to R.S. 22:1892 and**  
25 **1973, but is not deemed an adverse adjudication under this Section and does not, on its**  
26 **own, give rise to a cause of action."**