

RÉSUMÉ DIGEST

ACT 206 (SB 106)

2023 Regular Session

Smith

Existing 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.

New law retains existing law but authorizes a policyholder 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. New law includes communications prepared in conjunction with a fraud investigation.

Existing law provides certain unfair claims settlement practices.

New law retains existing law but includes as an unfair claims settlement practice when an insurer fails 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. New law further authorizes an insurer to keep confidential any adjuster notes, logs, and any other document or communication prepared in conjunction with a fraud investigation.

Effective August 1, 2023.

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