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**SENATE COMMITTEE AMENDMENTS**

2024 Regular Session

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 323  
by Senator Talbot

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1 AMENDMENT NO. 1

2 On page 1, line 6, after "catastrophe;" insert "to provide for good faith duty; to provide for  
3 breach of good faith duty;"

4 AMENDMENT NO. 2

5 On page 1, line 13, after "accident;" insert "**good faith duty; breach of good faith duty;**"

6 AMENDMENT NO. 3

7 On page 2, line 3, after "catastrophic loss," insert "**as defined in this Section,**"

8 AMENDMENT NO. 4

9 On page 2, delete lines 12 and 13, and insert the following:

10 "the penalties provided in R.S. 22:1973 a penalty of the greater of five  
11 thousand dollars or the amount provided for in Subsection I of this Section."

12 AMENDMENT NO. 5

13 On page 4, line 9, delete "**manufactured**" and insert "**factory-built**"

14 AMENDMENT NO. 6

15 On page 4, line 25, after "**owes to**" delete "**his**" and insert "**its**"

16 AMENDMENT NO. 7

17 On page 4, line 27, delete "**This**" and delete lines 28 and 29, and on page 5, delete line 1, and  
18 insert the following:

19 **"Any insurer that breaches the duties of this Subsection shall be liable for any**  
20 **proven economic damages sustained as a result of the breach. For claims not**  
21 **involving loss to an insured's immovable property, the insured may be awarded**  
22 **penalties in an amount not to exceed fifty percent of the damages sustained or**  
23 **five thousand dollars, whichever is greater, together with attorney fees and costs**  
24 **actually incurred due to the breach, provided that, when applicable, the insurer**  
25 **shall instead be subject to the provisions of Subsection B of this Section or R.S.**  
26 **22:1892.2, as appropriate."**

27 AMENDMENT NO. 8

28 On page 5, line 3, delete "**insurer,**" and insert "**insurer or representative of the insurer,**"

29 AMENDMENT NO. 9

30 On page 5, line 5, delete "**Misrepresenting**" and insert "**A misrepresentation of**"

31 AMENDMENT NO. 10

32 On page 5, line 7, delete "**Failing**" and insert "**A failure**"

1 AMENDMENT NO. 11

2 On page 5, line 9, delete "**Denying**" and insert "**A denial of**"

3 AMENDMENT NO. 12

4 On page 5, line 12, delete "**Misleading**" and insert "**A misrepresentation to**"

5 AMENDMENT NO. 13

6 On page 5, line 13, delete "**Failing**" and insert "**A failure**"

7 AMENDMENT NO. 14

8 On page 5, delete lines 15 through 27, and insert the following:

9 **"(3) The provisions of this Subsection shall not create a separate**  
10 **cause of action against a representative of the insurer distinct and apart**  
11 **from the cause of action against the insurer.**

12 **J.(1) The insured, claimant, or a representative of the insured or**  
13 **claimant has a duty of good faith and fair dealing when asserting a claim**  
14 **for insurance coverage.**

15 **(2) Any one of the following acts, if knowingly committed or**  
16 **performed by an insured, claimant, or representative of the insured or**  
17 **claimant, constitutes a breach of the insured's duties imposed in**  
18 **Paragraph (1) of this Subsection:**

19 **(a) A failure to comply with affirmative contractual duties or**  
20 **obligations established in the insurance policy, including the duty to act**  
21 **in good faith in providing information regarding the claim, in making**  
22 **demands of the insurer, in setting deadlines, and in attempting to settle**  
23 **the claim.**

24 **(b) A misrepresentation of pertinent facts or insurance policy**  
25 **provisions relating to any coverages at issue.**

26 **(c) A submission of an estimate or claim for damages that lacks**  
27 **a basis for coverage under the terms of the policy or lacks a good faith**  
28 **evidentiary basis.**

29 **(3) The duty imposed by this Subsection does not create a**  
30 **separate cause of action but shall be considered in accordance with**  
31 **Paragraph (4) of this Subsection.**

32 **(4) In any action against an insurer pursuant to this Section or**  
33 **R.S. 22:1892.2, if the trier of fact determines that the insured, claimant,**  
34 **or representative of the insured or claimant violated the provisions of**  
35 **this Subsection, the trier of fact shall consider that conduct in**  
36 **determining whether or not the insured is to be awarded penalties or**  
37 **attorney fees otherwise provided for in accordance with R.S. 22:1892**  
38 **and 1892.2.**

39 **(5) This Subsection shall not impact any right or remedy**  
40 **available to the insurer, including but not limited to the right to void the**  
41 **policy or contract or deny coverage."**

42 AMENDMENT NO. 15

43 On page 5, line 29, after "**under**" insert "**life and**"

44 AMENDMENT NO. 16

45 On page 6, line 2, delete "**Good faith duty; catastrophic**" and insert "**Catastrophic**"

46 AMENDMENT NO. 17

47 On page 6, line 9, after "**property**" and before the comma "," insert "**owned by an insured**"

1 AMENDMENT NO. 18

2 On page 6, line 12, after "**extended**" insert "**up to thirty additional days**"

3 AMENDMENT NO. 19

4 On page 6, line 21, delete "**breach**" and insert "**breach,**"

5 AMENDMENT NO. 20

6 On page 6, line 22, delete "**dollars**" and insert "**dollars, whichever is greater,**"

7 AMENDMENT NO. 21

8 On page 7, line 1, delete "**their**" and insert "**his**"

9 AMENDMENT NO. 22

10 On page 7, line 4, delete "**giving**" and insert "**providing**"

11 AMENDMENT NO. 23

12 On page 7, line 10, delete "**policy. There**" and insert "**policy, there**"

13 AMENDMENT NO. 24

14 On page 7, line 11, delete "**the**" and insert "**that**"

15 AMENDMENT NO. 25

16 On page 7, line 19, delete "**their**" and insert "**his**"

17 AMENDMENT NO. 26

18 On page 9, delete line 7, and insert the following:

19 **"under any type of policy or contract of insurance specified in R.S.**  
20 **22:1811 or 1821 or Chapter 10 of Title 22 of the Louisiana Revised Statutes of**  
21 **1950."**

22 AMENDMENT NO. 27

23 On page 9, delete lines 16 and 17

24 AMENDMENT NO. 28

25 On page 9, after line 18, add the following:

26 "Section 3. The Louisiana State Law Institute is hereby authorized  
27 and directed to revise the Code of Evidence and Title 22 of the Louisiana  
28 Revised Statutes of 1950, to change all references to "R.S. 22:1973" to "R.S.  
29 22:1892" or "R.S. 22:1892.2", including but not limited to Code of Evidence  
30 Article 411(B)(3) and R.S. 22:41(13), 1296(B)(3)(d), 1332(B)(4), and  
31 1893(D).

32 Section 4. This Act shall become effective on July 1, 2024. If vetoed  
33 by the governor and subsequently approved by this legislature, this Act shall  
34 become effective on the day following such approval or July 1, 2024,  
35 whichever is later."