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**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Insurance to Original House Bill No. 1060  
by Representative Thierry

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1 AMENDMENT NO. 1

2 On page 1, delete line 2 in its entirety and insert in lieu thereof the following:

3 "To amend and reenact R.S. 22:1265(D) and (F) and 1333(C) and (D), and  
4 to enact R.S. 22:1265(I) and (J) and 1333(G) and (H),"

5 AMENDMENT NO. 2

6 On page 1, line 3, change "homeowner's" to "homeowners"

7 AMENDMENT NO. 3

8 On page 1, line 5, change "homeowner's" to "homeowners"

9 AMENDMENT NO. 4

10 On page 1, delete lines 9 and 10 and insert in lieu thereof the following:

11 "Section 1. R.S. 22:1265(D) and (F) and 1333(C) and (D) are hereby and  
12 amended and reenacted and R.S. 22:1265(I) and (J) and 1333(G) and (H) are  
13 hereby enacted to read as follows:"

14 AMENDMENT NO. 5

15 On page 1, between lines 10 and 11, insert the following:

16 "§1265. Property, casualty, and liability insurance policies; cancellation and  
17 nonrenewal provisions; nonrenewal for rate inadequacy; certain prohibitions

18 \* \* \*

19 D. No insurer providing property, casualty, or liability insurance  
20 shall cancel or fail to renew a homeowner's policy of insurance or to increase  
21 the policy deductible that has been in effect and renewed for more than three  
22 years unless based on nonpayment of premium, fraud of the insured, a  
23 material change in the risk being insured, two or more claims within ~~a period~~  
24 of the three years preceding the current policy renewal date, or if  
25 continuation of such policy endangers the solvency of the insurer. This  
26 Subsection shall not apply to an insurer that ~~ceases writing~~ withdraws from  
27 the homeowner's homeowners' insurance market in this state or to policy  
28 deductibles increased for all homeowners' policies in ~~the~~ this state. For the

1 purposes of this Subsection, an incident shall be deemed a claim only when  
 2 there is a demand for payment by the insured or the insured's representative  
 3 under the terms of the policy. A report of a loss or a question relating to  
 4 coverage shall not independently establish a claim. As used in this  
 5 Subsection, the phrase "two or more claims within a ~~period of~~ the three years  
 6 preceding the current policy renewal date" shall not include any loss incurred  
 7 or arising from an "Act of God" incident which is due directly to forces of  
 8 nature and exclusively without human intervention.

9 \* \* \*

10 F. Notwithstanding the provisions of Subsection D of this Section,  
 11 an insurer may make a filing with the commissioner pursuant to R.S. 22:1464  
 12 for authorization to deviate from the provisions of Subsection D of this  
 13 Section for the sole purpose of changing the policy deductible to a total  
 14 deductible of not more than four percent of the value of the property being  
 15 insured for named storms or hurricanes on a homeowner's policy of insurance  
 16 that has been in effect for more than three years. Any insurer filing with the  
 17 commissioner pursuant to this Subsection shall file with the commissioner  
 18 a business plan setting forth the insurer's plan to write new business in the  
 19 particular region or area of the state in which the new deductible is to apply.  
 20 The commissioner's approval is to be based on the insurer's commitment to  
 21 the writing of new business in the respective region or area of the state in  
 22 which the new deductible is to apply. The commissioner may also approve  
 23 a filing that he determines to be in the best interest of the policyholders. The  
 24 commissioner may subsequently rescind his approval of any filing made  
 25 pursuant to this Subsection in the event the insurer fails to write new business  
 26 in accordance with the business plan. Any business plan filed shall be  
 27 considered proprietary or trade secret pursuant to information under the  
 28 provisions of R.S. 44:3.2 and the Uniform Trade Secrets Act. The  
 29 commissioner shall provide an annual report to the legislative committees on  
 30 insurance on the application and effectiveness of the provisions of this

1 Section. The commissioner shall promulgate regulations pursuant to the  
2 Administrative Procedure Act setting forth the criteria for the filing,  
3 including any financial or other requirements that he deems necessary to act  
4 on the request by an insurer. Any regulation promulgated by the  
5 commissioner pursuant to this Subsection shall require the insurer to itemize  
6 to the insured the premium savings based on the increase in the insured's  
7 deductible.

8 \* \* \*

9 I. Any authorized property and casualty insurer that intends to avail  
10 itself of the provisions of Subsection D of this Section relative to  
11 withdrawing from the homeowners' insurance market shall agree to remove  
12 the homeowners' line of insurance from its certificate of authority in this state  
13 for not less than five years after the date the commissioner approves the  
14 action.

15 J. Any approved unauthorized insurer that intends to avail itself of  
16 the provisions of Subsection D of this Section relative to withdrawing from  
17 the homeowners' insurance market shall agree to the termination of its status  
18 as an approved unauthorized insurer in this state for the homeowners' line of  
19 insurance."

20 AMENDMENT NO. 6

21 On page 1, line 14, after "providing" delete the remainder of the line and insert "property,  
22 casualty, or liability"

23 AMENDMENT NO. 7

24 On page 2, line 1, change "homeowner's" to "homeowners"

25 AMENDMENT NO. 8

26 On page 2, line 2, after "for all" delete "homeowner's" and insert in lieu thereof  
27 "homeowners' insurance"

28 AMENDMENT NO. 9

29 On page 3, delete line 10 in its entirety and insert in lieu thereof the following:  
30 "homeowners' insurance market shall agree to remove the homeowners' line  
31 of"

1 AMENDMENT NO. 10

2 On page 3, line 15, change "homeowner's" to "homeowners"

3 AMENDMENT NO. 11

4 On page 3, line 16, change "homeowner's" to "homeowners"