

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 request the Department of Insurance to conduct a study to determine whether R.S. 22:1265
3 permits an insurer to consider an insured's claim that does not exceed the insured's
4 deductible to cancel coverage or raise the policy's deductible.

5 BE IT FURTHER RESOLVED that the Legislature of Louisiana requests that the
6 Department of Insurance include in its study whether an insurer should be allowed to
7 consider a claim on which it has paid no money to or on behalf of an insured as grounds for
8 canceling or failing to renew a homeowner's policy of insurance or increasing the policy
9 deductible of a homeowner's policy.

10 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby request
11 that the Department of Insurance recommend possible amendments to R.S. 22:1265 based
12 on the findings of this study, including a definition of a demand for payment and whether
13 an insurer should be required to disclose to an insured in a prominent location on the policy's
14 declarations page that making a claim on the policy on which the insurer pays no money to
15 the insured will be deemed a demand for payment under the policy and the consequences of
16 filing a claim that does not exceed the policy's deductible.

17 BE IT FURTHER RESOLVED that such a study shall include a review of other
18 states to determine if other states allow insurers to use claims that do not exceed the insured's
19 deductible as grounds for canceling or failing to renew a homeowner's policy of insurance
20 or raising the homeowner's deductible.

21 BE IT FURTHER RESOLVED that such a study shall determine if prohibiting
22 insurers from considering claims on which no payment is made either to the insured or on
23 behalf of the insured as grounds for canceling or failing to renew a homeowner's policy of
24 insurance or increasing the homeowner's deductible would have upon the willingness of
25 insurers to continue writing homeowner's insurance policies in this state.

26 BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby request
27 that the Department of Insurance shall submit its findings from this study in the form of a
28 report to the House Committee on Insurance and the Senate Committee on Insurance on or
29 before January 15, 2015.

1 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
2 commissioner of insurance.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stokes

HCR No. 199

Urges and requests the Department of Insurance to conduct a study of whether insurers should be allowed to consider claims on which no money has been paid by the insurer either to the insured or on behalf of the insured as grounds for canceling or failing to renew a homeowner's policy of insurance, for increasing the deductible for a homeowner's policy, or for increasing the premium of an automobile insurance policy.