

SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Talbot to Engrossed Senate Bill No. 113 by Senator Talbot

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line, delete lines 3 through 5,  
3 and insert the following:

4 "R.S. 22:1892(H) , 1892.2(F), and 2303(A)(1), relative to Louisiana Citizens  
5 Property Insurance Corporation; to provide for liability; to provide for rates; and to provide  
6 for related matters."

7 AMENDMENT NO. 2

8 On page 1, delete lines 7 through 16 in their entirety and insert the following:

9 "Section 1. R.S. 22:1892(H), 1892.2(F), and 2303(A)(1) are hereby  
10 amended and reenacted to read as follows:

11 §1892. Payment and adjustment of claims; policies other than life and health  
12 and accident; **good faith duty; breach of good faith duty;** vehicle  
13 damage claims; extension of time to respond to claims during  
14 emergency or disaster; penalties; arson-related claims suspension;  
15 **definitions**

16 \* \* \*

17 H. The Louisiana Insurance Guaranty Association, as provided in  
18 R.S. 22:2051 et seq., and the Louisiana Citizens Property Insurance  
19 Corporation, as provided in R.S. 22:2291 et seq., shall not be subject to the  
20 provisions of Code of Civil Procedure Article 591 et seq., or any other  
21 provision allowing a class action, for any damages including any penalties  
22 awarded pursuant to the provisions of this Section. **The Louisiana**  
23 **Insurance Guaranty Association, as provided in R.S. 22:2051 et seq.,**  
24 **shall also not be liable for any special damages or penalties provided for**  
25 **in this Section. The Louisiana Citizens Property Insurance Corporation,**  
26 **as provided in R.S. 22:2291 et seq., shall not be liable for damages in**  
27 **excess of the policy's limit.**

28 \* \* \*

29 §1892.2. Catastrophic loss claims settlement practices; penalties and attorney  
30 fees

31 \* \* \*

32 F. The Louisiana Insurance Guaranty Association, as provided in  
33 R.S. 22:2051 et seq., and the Louisiana Citizens Property Insurance  
34 Corporation, as provided in R.S. 22:2291 et seq., shall not be subject to the  
35 provisions of Code of Civil Procedure Article 591 et seq., or any other  
36 provision allowing a class action, for any damages, that includes any  
37 penalties awarded pursuant to the provisions of this Section. The Louisiana  
38 Insurance Guaranty Association, as provided in R.S. 22:2051 et seq., shall  
39 also not be liable for any special damages or penalties provided for in this  
40 Section. **The Louisiana Citizens Property Insurance Corporation, as**  
41 **provided in R.S. 22:2291 et seq., shall not be liable for damages in excess**  
42 **of the policy's limit.**

43 \* \* \*

44 §2303. Rates, rating plans, and rate rules applicable

45 A.(1) As residual markets, the plans made available by the Louisiana  
46 Citizens Property Insurance Corporation are not intended to offer rates  
47 competitive with the voluntary market. Rates for policies issued under the  
48 Coastal Plan and the FAIR Plan shall be set by the governing board of the  
49 Louisiana Citizens Property Insurance Corporation, adjusted annually, and

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**for policies issued or renewed in 2025, except for policies covering properties located in the parishes included in the federal Gulf Opportunity Zone Act of 2005 in Louisiana**, shall exceed by at least **ten five** percent the higher of (a) the actuarially justified rate or (b) the highest rates charged among assessable insurers that have a minimum of two percent of the total direct written premium in each respective parish for that line of business in the preceding year, or, with respect to personal lines property insurance, excluding wind and hail policies, only, (c) the highest rates charged among assessable insurers in each respective parish which in the preceding year increased by at least twenty-five additional personal lines property insurance policies, excluding wind and hail policies, in such parish, the total number of such policies in effect for the parish over the year before. **Rates for policies issued or renewed in 2025 covering property located in the parishes included in the federal Gulf Opportunity Zone Act of 2005 in Louisiana shall not include the rate increase provided for in this Paragraph. Rates for policies issued or renewed on or after January 1, 2026 for policies covering properties located in any parish shall include the rate increase provided for in this Paragraph.** Such rates shall include an appropriate catastrophe loading factor and may include rules for classification of risks insured hereunder and rate modifications hereof.

\* \* \*

Section 2. The provisions of this Act are intended to and shall supersede the provisions of Senate Bill 323 of the 2024 Regular Session of the Louisiana Legislature to the extent which they conflict.

Section 3. This Act shall become effective on July 1, 2024. If vetoed by the governor and subsequently approved by this legislature, this Act shall become effective on the day following such approval or July, 1, 2024, whichever is later."