SENATE BILL NO. 111

BY SENATOR SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1	AN ACT
2	To amend and reenact R.S. 22:1892(I)(2)(a) and (3) and to enact R.S. 22:1892(I)(4), relative
3	to insurance claims; to provide for breach of good faith duty; to provide for
4	limitations on causes of action; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 22:1892(I)(2)(a) and (3) are hereby amended and reenacted and R.S.
7	22:1892(I)(4) is hereby enacted to read as follows:
8	§1892. Payment and adjustment of claims; policies other than life and health and
9	accident; good faith duty; breach of good faith duty; vehicle damage
10	claims; extension of time to respond to claims during emergency or
11	disaster; penalties; arson-related claims suspension; definitions
12	* * *
13	I.
14	* * *
15	(2) Any one of the following acts, if knowingly committed or performed by
16	an insurer or representative of the insurer, constitutes a breach of the insurer's duties
17	imposed in Paragraph (1) of this Subsection:
18	(a) A misrepresentation of pertinent facts or insurance policy provisions
19	relating to any coverages at issue or a misrepresentation of relevant insurance
20	policy provisions.
21	* * *
22	(3) The provisions of this Subsection shall not create a cause of action
23	against an insurer by the insured or claimant in a claim for personal injury or
24	bodily injury when any of the following conditions are present:
25	(a) There is a good faith dispute as to liability.
26	(b) There is a good faith dispute as to medical causation for the injuries
27	alleged by the claimant.

1 (c) An offer has not been presented by or on behalf of a third-party 2 claimant within the applicable policy limits, and the insurer has been given at 3 least thirty days to respond. 4 (d) The insurer has not had the opportunity to conduct adequate 5 discovery. 6 (4) The provisions of this Subsection shall not create a separate cause of 7 action against a representative of the insurer distinct and apart from the cause of 8 action against the insurer. 9 PRESIDENT OF THE SENATE SPEAKER OF THE HOUSE OF REPRESENTATIVES GOVERNOR OF THE STATE OF LOUISIANA

ENROLLED

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APPROVED: