
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)]

HB 1210 Original

2026 Regular Session

Dana Henry

Abstract: Establishes a mandatory pre-suit claim review process for bad faith allegations in disputed residential property insurance claims arising out of a catastrophic loss.

Proposed law defines "catastrophic", "claim dispute", "department", "residential property insurance", and "review panel".

Proposed law mandates that no action for damages arising from a residential property insurance claim dispute shall be filed in any court of this state unless the claimant has first complied with the pre-suit review requirements of proposed law.

Proposed law requires the claimant to submit a notice of dispute to the department, which shall include satisfactory proof of loss, any estimates or supporting documentation, and a summary of the dispute.

Proposed law permits the notice of dispute to be submitted electronically or on a form and manner prescribed by the department.

Proposed law requires the insurer, within 15 days of receipt of notice, to provide to the department and the claimant all of the following:

- (1) Substantive and affirmative steps the insurer took to accumulate facts about the loss.
- (2) Written offer to settle a claim and unconditionally tender a reasonable amount by the insurer.
- (3) Payment to claimant within 30 days after written agreement or settlement by the insurer.
- (4) Any other supporting documentation for the insurer's position.

Proposed law requires the department to assign a neutral independent reviewer or, in its discretion, a panel of three qualified reviewers.

Proposed law requires that a neutral independent reviewer shall be assigned for claims between \$25,000 and \$100,000, or a panel of 3 qualified reviewers for claims over \$100,000.

Proposed law establishes criteria for the reviewers which includes all of the following:

- (1) Reviewers shall be selected from a list maintained by the department and shall include one of the following a licensed adjuster, an engineer, or a construction professionals.
- (2) Reviewers shall not have any financial or professional conflict of interest in the dispute.

Proposed law authorizes the review panel to evaluate all allegations or claims of bad faith.

Proposed law requires the review panel shall issue a written determination within 30 days of assignment; in which the determination shall include findings of fact, recommended valuation of the claim, and identification of disputed issues.

Proposed law permits the determination shall be admissible in any subsequent legal proceeding and may be considered by the trier of fact; however, the determination does not create a presumption of liability is not binding upon either party.

Proposed law permits either party to request mediation following issuance of the determination, in which, the department provide for certified mediators.

Proposed law exempts applicability to the following:

- (1) Claims under \$25,000.
- (2) Emergency actions requiring immediate judicial relief.

Proposed law authorizes the department to promulgate rules necessary to implement proposed law.

Effective on Jan. 1, 2027.

(Adds R.S. 22:2351-2353)