

2019 Regular Session

HOUSE BILL NO. 426

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact R.S. 9:1123.112(C), relative to condominiums; to provide with  
3 respect to insurance policies; to provide for a determination of liability; to provide  
4 with respect to the primary association policy; to provide for coverage of betterments  
5 and improvements; to provide with respect to a unit owner's property insurance  
6 policy; to provide with respect to condominium bylaws; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:1123.112(C) is hereby amended and reenacted to read as follows:

10 §1123.112. Insurance

11 \* \* \*

12 C. Insurance policies carried pursuant to Subsection A must provide that:

13 (1) Each unit owner is an insured person under the policy with respect to  
14 liability arising out of ~~his~~ the unit owner's ownership of an individual interest in the  
15 common elements or membership in the association.

16 (2) The association's insurer waives its right to subrogation under the policy  
17 against any unit owner of the condominium or members of his household.

18 (3) No act or omission by any unit owner, unless acting within the scope of  
19 his authority on behalf of the association, will void the policy or be a condition to  
20 recovery under the ~~policy, and~~ policy.

21 ~~(4) If, at the time of a loss under the policy, there is other insurance in the~~  
22 ~~name of a unit owner covering the same property covered by the policy, the policy~~  
23 ~~is primary insurance not contributing with the other insurance. (a) A unit owner's~~  
24 property insurance policy covering betterments and improvements shall be primary

