

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 186 by Senator Henry

1 AMENDMENT NO. 1

2 On page 1, line 2, after "(A)(11)," and before "and" insert "(B),"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "(E)(5)" and before the comma "," insert "and to enact R.S.
5 22:1704(E)(6) and (K)"

6 AMENDMENT NO. 3

7 On page 1, line 8, after "(A)(11)," and before "and" insert "(B),"

8 AMENDMENT NO. 4

9 On page 1, line 9, after "reenacted" and before "to read" insert "and R.S. 22:1704(E)(6) and
10 (K) are hereby enacted"

11 AMENDMENT NO. 5

12 On page 2, between lines 16 and 17, insert the following:

13 **"D. A public adjuster shall not require, demand, or accept any fee,**
14 **retainer, compensation, deposit, or other thing of value from an insured prior**
15 **to the insurer making payment on a claim."**

16 AMENDMENT NO. 6

17 On page 2, between lines 24 and 25, insert the following:

18 **"B.(1) Compensation provisions in a public adjusting contract shall not be**
19 **redacted in any copy of the contract provided to the commissioner of insurance.**
20 **Such a redaction shall constitute an omission of material fact.**

21 **(2) If a public adjuster's compensation is based on a share of the**
22 **insurance settlement, the exact percentage shall be specified in the contract.**

23 **(3) Initial expenses to be reimbursed to the public adjuster from**
24 **proceeds of a claim payment shall be specified by type with dollar estimates set**
25 **forth in the contract and with any additional expenses approved by the insured,**
26 **prior to payment.**

27 * * *

28 AMENDMENT NO. 7

29 On page 2, line 25, after "Prior to" and before "the signing" insert "**or at**"

30 AMENDMENT NO. 8

31 On page 3, delete line 3 in its entirety and insert in lieu thereof the following:

32 **"(6) The public adjuster payment options, which include a flat fee, an**
33 **hourly rate, or a percentage fee. The amount of the flat fee, the hourly rate**
34 **charged, and the percentage to be applied, respectively, shall be disclosed.**

* * *

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2 **K. The contract shall explicitly provide that the insured may terminate**
3 **the contract upon written notice of his desire to terminate the contract. If the**
4 **contract provides for compensation by a percentage fee and the insured**
5 **terminates the contract, the following provisions apply:**

6 **(1) The fee shall be the agreed upon percentage applied to the difference**
7 **between the amount paid by the insurer prior to the retention of the public**
8 **adjuster and the amount committed to be paid by the insurer as of the date of**
9 **termination.**

10 **(2) If the insurer made no payments between the date of retention and**
11 **the date of termination, the public adjuster shall be entitled to compensation of**
12 **the hourly rate listed by the public adjuster in the disclosure document required**
13 **pursuant to Subsection E of this Section for the time spent by the public**
14 **adjuster adjusting the claim as well as expenses incurred in furtherance of the**
15 **claim during the term of retention.**

16 **(3) A public adjuster shall not be entitled to apply a percentage fee to**
17 **proceeds committed to be paid by an insurer after the date the contract is**
18 **terminated."**