

2023 Regular Session

SENATE BILL NO. 106

BY SENATOR SMITH

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

INSURANCE CLAIMS. Requires the insurer to provide upon the written request of the insured claim file for certain records in connection with an unsettled property insurance claim. (8/1/23)

1 AN ACT

2 To amend and reenact R.S. 22:41(14) and to enact R.S. 22:1964(14)(p), relative to a

3 property damage insurance claim; to require an insurer provide an insured certain

4 records in connection to a property damage insurance claim upon an insured's

5 request; to provide exceptions; to require an insurer respond within a certain time

6 period; to require an insurer to maintain certain records in connection to a property

7 damage insurance claim; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:41(14) is hereby amended and reenacted and R.S. 22:1964(14)(p)

10 is hereby enacted to read as follows:

11 §41. Policyholder bill of rights

12 The following items exist in Louisiana statutes and shall serve as standards

13 for a policyholder bill of rights and do not create additional causes of actions or

14 further penalties not otherwise provided under Louisiana statutes:

15 * * *

16 (14) Relative to first party property damage claims, policyholders shall have

17 the right to request and receive from the insurance company **a written report on any**

1 **portion of the claim file, including but not limited to** any estimates, bids, plans,
 2 measurements, drawings, engineer reports, contractor reports, statements,
 3 **photographs, video recordings, or any other documents or communications** that
 4 are not **unless the record is legally privileged** that the insurance company prepared,
 5 or used during its adjustment of the policyholder's claim **in accordance with R.S.**
 6 **22:1964(14).** ~~A~~ **An insurance** company may keep confidential adjuster notes, logs,
 7 and any **other** documents **or communications** prepared in conjunction with a fraud
 8 investigation **in accordance with R.S. 22:1964(14).**

* * *

10 §1964. Methods, acts, and practices which are defined as unfair or deceptive

11 The following are declared to be unfair methods of competition and unfair
 12 or deceptive acts or practices in the business of insurance:

* * *

14 (14) Unfair claims settlement practices. Committing or performing with such
 15 frequency as to indicate a general business practice any of the following:

* * *

17 **(p) An insurer failing to make available upon the written request of an**
 18 **insured any portion of the claim file, including but not limited to estimates, bids,**
 19 **plans, measurements, drawings, engineer reports, contractor reports,**
 20 **statements, photographs, video recordings, or any other documents or**
 21 **communications unless the record is legally privileged that the insurer**
 22 **prepared, had prepared, or used during its adjustment of the insured's claim.**
 23 **An insurer may keep confidential any adjuster notes, logs, and any other**
 24 **documents or communications prepared in conjunction with a fraud**
 25 **investigation.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Beth O'Quin.

DIGEST

SB 106 Engrossed 2023 Regular Session Smith

Present law provides the policyholder bill of rights include a policyholder has a right to request and receive from his insurer any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, or documents in connection to the insured's property damage insurance claim that the insurer had prepared, or used during its adjustment of the policyholder's claim, and authorizes the insurer to keep confidential any adjuster notes, logs, and any other document prepared in conjunction with a fraud investigation.

Proposed law retains present law but adds a policyholder has the right to request and receive a written report on any portion of the claim file, including but not limited to photographs, video recordings, and communications unless the record is legally privileged that the insurer prepared, had prepared, or used in adjusting a policyholder's claim in accordance with law, and adds communications prepared in conjunction with a fraud investigation that is in accordance with law.

Proposed law retains present law but adds an insurer failing to make available upon the written request of an insured any portion of the claim file, including but not limited to any estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, documents, or communications, unless the record is legally privileged that an insurer prepared, had prepared, or used during its adjustment of the insured's claim. Proposed law authorizes an insurer to keep confidential any adjuster notes, logs, and other documents or communications prepared in conjunction with a fraud investigation.

Effective August 1, 2023.

(Amends R.S. 22:41(14); adds R.S. 22:1964(14)(p))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Adds a written request for any portion of the claim file unless its legally privileged.
2. Adds items the insurer is required to provide the insured unless the claim file is legally privileged and authorizes the insurer to keep confidential certain documents and communications that are in conjunction with a fraud investigation.