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**HOUSE COMMITTEE AMENDMENTS**

Amendments proposed by House Committee on Insurance to Original House Bill No. 1060  
by Representative Thierry

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1 AMENDMENT NO. 1

2 On page 1, delete line 2 in its entirety and insert in lieu thereof the following:

3 "To amend and reenact R.S. 22:1265(D) and (F) and 1333(C) and (D), and  
4 to enact R.S. 22:1265(I) and (J) and 1333(G) and (H),"

5 AMENDMENT NO. 2

6 On page 1, line 3, change "homeowner's" to "homeowners"

7 AMENDMENT NO. 3

8 On page 1, line 5, change "homeowner's" to "homeowners"

9 AMENDMENT NO. 4

10 On page 1, delete lines 9 and 10 and insert in lieu thereof the following:

11 "Section 1. R.S. 22:1265(D) and (F) and 1333(C) and (D) are hereby and  
12 amended and reenacted and R.S. 22:1265(I) and (J) and 1333(G) and (H) are  
13 hereby enacted to read as follows:"

14 AMENDMENT NO. 5

15 On page 1, between lines 10 and 11, insert the following:

16 "§1265. Property, casualty, and liability insurance policies; cancellation and  
17 nonrenewal provisions; nonrenewal for rate inadequacy; certain prohibitions

18 \* \* \*

19 D. No insurer providing property, casualty, or liability insurance  
20 shall cancel or fail to renew a homeowner's policy of insurance or to increase  
21 the policy deductible that has been in effect and renewed for more than three  
22 years unless based on nonpayment of premium, fraud of the insured, a  
23 material change in the risk being insured, two or more claims within a period  
24 of three years continuous three-year period of time within the five years  
25 preceding the current policy renewal date, or if continuation of such policy  
26 endangers the solvency of the insurer. This Subsection shall not apply to an  
27 insurer that ~~ceases writing~~ withdraws from the homeowner's homeowners'  
28 insurance market in this state or to policy deductibles increased for all  
29 homeowners' policies in ~~the~~ this state. For the purposes of this Subsection,  
30 an incident shall be deemed a claim only when there is a demand for payment  
31 by the insured or the insured's representative under the terms of the policy.  
32 A report of a loss or a question relating to coverage shall not independently  
33 establish a claim. As used in this Subsection, the phrase "two or more claims  
34 within a period of three years continuous three-year period of time within the  
35 five years preceding the current policy renewal date" shall not include any  
36 loss incurred or arising from an "Act of God" incident which is due directly  
37 to forces of nature and exclusively without human intervention.

38 \* \* \*

39 F. Notwithstanding the provisions of Subsection D of this Section,  
40 an insurer may make a filing with the commissioner pursuant to R.S. 22:1464  
41 for authorization to deviate from the provisions of Subsection D of this

1 Section for the sole purpose of changing the policy deductible to a total  
 2 deductible of not more than four percent of the value of the property being  
 3 insured for named storms or hurricanes on a homeowner's policy of insurance  
 4 that has been in effect for more than three years. Any insurer filing with the  
 5 commissioner pursuant to this Subsection shall file with the commissioner  
 6 a business plan setting forth the insurer's plan to write new business in the  
 7 particular region or area of the state in which the new deductible is to apply.  
 8 The commissioner's approval is to be based on the insurer's commitment to  
 9 the writing of new business in the respective region or area of the state in  
 10 which the new deductible is to apply. The commissioner may also approve  
 11 a filing that he determines to be in the best interest of the policyholders. The  
 12 commissioner may subsequently rescind his approval of any filing made  
 13 pursuant to this Subsection in the event the insurer fails to write new business  
 14 in accordance with the business plan. Any business plan filed shall be  
 15 considered proprietary or trade secret pursuant to information under the  
 16 provisions of R.S. 44:3.2 and the Uniform Trade Secrets Act. The  
 17 commissioner shall provide an annual report to the legislative committees on  
 18 insurance on the application and effectiveness of the provisions of this  
 19 Section. The commissioner shall promulgate regulations pursuant to the  
 20 Administrative Procedure Act setting forth the criteria for the filing,  
 21 including any financial or other requirements that he deems necessary to act  
 22 on the request by an insurer. Any regulation promulgated by the  
 23 commissioner pursuant to this Subsection shall require the insurer to itemize  
 24 to the insured the premium savings based on the increase in the insured's  
 25 deductible.

26 \* \* \*

27 I. Any authorized property and casualty insurer that avails itself of  
 28 the provisions of Subsection C of this Section relative to withdrawing from  
 29 the homeowners' insurance market may not issue any homeowners' insurance  
 30 coverage in this state during the five-year period beginning on the date of the  
 31 discontinuation of the last homeowners' insurance coverage not so renewed.  
 32 The commissioner may, for good cause shown pursuant to a written request  
 33 by the insurer, permit the insurer to reenter the homeowners' insurance  
 34 market prior to the expiration of the five-year period.

35 J. Any approved unauthorized property and casualty insurer that  
 36 avails itself of the provisions of Subsection C of this Section relative to  
 37 withdrawing from the homeowners' insurance market may not issue any  
 38 homeowners' insurance coverage in this state during the five-year period  
 39 beginning on the date of the discontinuation of the last homeowners'  
 40 insurance coverage not so renewed. The commissioner may, for good cause  
 41 shown pursuant to a written request by the insurer, permit the insurer to  
 42 reenter the homeowners' insurance market prior to the expiration of the  
 43 five-year period."

44 AMENDMENT NO. 6

45 On page 1, line 14, after "providing" delete the remainder of the line and insert "property,  
 46 casualty, or liability"

47 AMENDMENT NO. 7

48 On page 1, line 18, after "within" delete the remainder of the line and insert in lieu thereof  
 49 "a continuous three year period of time within the five"

50 AMENDMENT NO. 8

51 On page 2, line 1, change "homeowner's" to "homeowners"

1 AMENDMENT NO. 9

2 On page 2, line 2, after "for all" delete "homeowner's" and insert in lieu thereof  
3 "homeowners' insurance"

4 AMENDMENT NO. 10

5 On page 2, line 7, after "within" delete the remainder of the line and and insert in lieu thereof  
6 "a continuous three year period of time within the five years preceding the current"

7 AMENDMENT NO. 11

8 On page 3, delete lines 8 through 16 in their entirety and insert in lieu thereof:

9 "G. Any authorized property and casualty insurer that avails itself of  
10 the provisions of Subsection C of this Section relative to withdrawing from  
11 the homeowners' insurance market may not issue any homeowners' insurance  
12 coverage in this state during the five-year period beginning on the date of the  
13 discontinuation of the last homeowners' insurance coverage not so renewed.  
14 The commissioner may, for good cause shown pursuant to a written request  
15 by the insurer, permit the insurer to reenter the homeowners' insurance  
16 market prior to the expiration of the five-year period.

17 H. Any approved unauthorized property and casualty insurer that  
18 avails itself of the provisions of Subsection C of this Section relative to  
19 withdrawing from the homeowners' insurance market may not issue any  
20 homeowners' insurance coverage in this state during the five-year period  
21 beginning on the date of the discontinuation of the last homeowners'  
22 insurance coverage not so renewed. The commissioner may, for good cause  
23 shown pursuant to a written request by the insurer, permit the insurer to  
24 reenter the homeowners' insurance market prior to the expiration of the  
25 five-year period."