

2016 Regular Session

HOUSE BILL NO. 798

BY REPRESENTATIVE TALBOT

INSURANCE/PROPERTY: Provides for limited lines licensing to sell property coverage for property that is self-stored in self-storage facilities

1 AN ACT

2 To enact R.S. 22:1550.1, relative to specialty limited lines licensing to sell property
3 insurance coverage for property that is self-stored in self-storage facilities; to provide
4 for definitions; to provide procedures for issuing a limited license; to provide
5 procedures for revocation of the license; to provide training requirements for
6 licensees; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1550.1 is hereby enacted to read as follows:

9 §1550.1. Speciality limited lines self-service storage property insurance producer
10 licenses

11 A. As used in this Section:

12 (1) "Limited licensee" means a person authorized to sell certain coverages
13 relating to the rental of self-service storage units pursuant to the provisions of this
14 Section.

15 (2) "Rental agreement" means any written agreement setting forth the terms
16 and conditions governing the use of a storage unit provided by the owner of a
17 self-service storage facility company.

18 (3) "Renter" or "occupant" means any person obtaining the use of a storage
19 unit from a self-service storage company under the terms of a rental agreement.

20 (4) "Self-service storage company" means any person in the business of
21 renting storage units to the public.

1 (5) "Storage unit" means a semi-enclosed or fully enclosed area, room, or
2 space that is primarily intended for the storage of personal property and which shall
3 be accessible by the renter of the unit pursuant to the terms of the rental agreement.

4 B.(1) The commissioner of insurance may issue to a self-service storage
5 company, or to a franchisee of a self-service storage company, that has complied
6 with the requirements of this Section a limited license authorizing the licensee,
7 known as a limited licensee for the purposes of this Section, to act as an agent, with
8 reference to the kinds of insurance specified in this Section of any insurer authorized
9 to write such kinds of insurance in this state.

10 (2) A license issued pursuant to this Section shall be subject to the same
11 license and fee requirements as limited line producers.

12 C. The prerequisites for issuance of a limited license pursuant to this Section
13 are the filing with the commissioner of insurance both of the following:

14 (1) A written application, signed by an officer of the applicant, for the
15 limited license on such form or forms, and supplements thereto, and containing such
16 information as the commissioner of insurance may prescribe.

17 (2) A certificate by the insurer that is to be named in such limited license,
18 stating that it has satisfied itself that the named applicant is trustworthy and
19 competent to act as its insurance agent for this limited purpose and that the insurer
20 will appoint such applicant to act as the agent in reference to the doing of such kind
21 or kinds of insurance as are permitted by this Section if the limited license applied
22 for is issued by the commissioner of insurance. The certificate shall be subscribed
23 by an officer or managing agent of such insurer and affirmed as true under the
24 penalties of perjury.

25 D. In the event that any provision of this Section is violated by a limited
26 licensee, the commissioner of insurance may:

27 (1) Revoke or suspend a limited license issued pursuant to this Section in
28 accordance with the provisions of R.S. 22:1554.

1 (2) After notice and hearing, impose such other penalties, including
2 suspending the transaction of insurance at specific rental locations where violations
3 of this Section have occurred, as the commissioner deems to be necessary or
4 convenient to carry out the purposes of this Section.

5 E. The self-service storage company or franchisee licensed pursuant to
6 Subsection B of this Section may act as agent for an authorized insurer only in
7 connection with the rental of storage units and only with respect to the following
8 kinds of insurance:

9 (1) Personal effects insurance that provides coverage to renters of storage
10 units at the same facility for the loss of, or damage to, personal effects that occurs
11 at the same facility during the rental period.

12 (2) Any other coverage that the commissioner may approve as meaningful
13 and appropriate in connection with the rental of storage units.

14 F. No insurance may be issued pursuant to this Section unless all of the
15 following apply:

16 (1) The rental period of the rental agreement does not exceed two years.

17 (2) At every self-service storage location where self-service storage
18 agreements are executed, brochures or other written materials are readily available
19 to the prospective renter that:

20 (a) Summarize, clearly and correctly, the material terms of insurance
21 coverage, including the identity of the insurer, offered to renters.

22 (b) Disclose that these policies offered by the self-service storage company
23 may provide a duplication of coverage already provided by a renter's homeowners'
24 insurance policy, personal liability insurance policy, or other source of coverage.

25 (c) State that the purchase by the renter of the kinds of insurance specified
26 in this Section is not required in order to rent a storage unit.

27 (d) Describe the process for filing a claim in the event the renter elects to
28 purchase coverage and in the event of a claim.

1 (e) Contain any additional information on the price, benefits, exclusions,
2 conditions, or other limitations of such policies as the commissioner of insurance
3 may by regulation prescribe.

4 (3) Evidence of coverage is provided to every renter who elects to purchase
5 such coverage.

6 G. Any limited license issued pursuant to this Section shall also authorize
7 any employee of the licensee who is trained, pursuant to Subsection H of this
8 Section, to act individually on behalf, and under the supervision, of the licensee with
9 respect to the kinds of insurance specified in this Section.

10 H. Each self-service storage company or franchisee licensed pursuant to this
11 Section shall conduct a training program which shall be submitted to the
12 commissioner for approval prior to use and which shall meet all of the following
13 minimum standards:

14 (1) Each trainee shall receive basic instruction about the kinds of insurance
15 specified in this Section offered for purchase by prospective renters of storage units.

16 (2) Each trainee shall be instructed to acknowledge to a prospective renter
17 of a storage unit that purchase of any such insurance specified in this Section is not
18 required in order for the renter to rent a storage unit.

19 (3) Each trainee shall be instructed to acknowledge to a prospective renter
20 of a storage unit that the renter may have insurance policies that already provide the
21 coverage being offered by the self-service storage company pursuant to this Section.

22 I. Limited licensees acting pursuant to and under the authority of this Section
23 shall comply with all applicable provisions of this Section, except that
24 notwithstanding any other provision of this Section, or any rule adopted by the
25 commissioner, a limited licensee pursuant to this Section shall not be required to
26 treat premiums collected from renters purchasing such insurance when renting
27 storage units as funds received in a fiduciary capacity, provided that both of the
28 following apply:

1 (1) The insurer represented by the limited licensee has consented in writing,
 2 signed by the insurer's officer, that premiums need not be segregated from funds
 3 received by the self-service storage company on account of storage unit rental.

4 (2) The charges for insurance coverage are itemized but not billed to the
 5 renter separately from the charges for storage units.

6 J. No limited licensee licensed pursuant to this Section shall advertise,
 7 represent, or otherwise hold itself or any of its employees out as licensed insurance
 8 agents or brokers. No renter or occupant may be required to obtain insurance
 9 pursuant to this Section as a condition of obtaining a rental agreement for a storage
 10 unit. The renter shall be informed that the insurance offered pursuant to this Section
 11 is not required as a condition for obtaining a rental agreement for a storage unit.

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 798 Engrossed

2016 Regular Session

Talbot

Abstract: Creates a limited lines license to sell property insurance for property self-stored in a self-storage facility

Present law allows the issuance of certain specialty limited lines insurance licenses.

Proposed law retains present law and allows the issuance of an additional specialty limited lines insurance license for selling property coverage for property self-stored in self-storage facilities.

Proposed law provides for procedures for issuing this limited lines license. Specifies that the license shall be subject to the same license and fee requirements as limited line producers. Further provides procedures for revocation of the license.

Proposed law provides for training for licensees.

(Adds R.S. 22:1550.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Add that the license shall be subject to the same license and fee requirements as limited line producers.