

FOR OFFICE USE ONLY

HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Hilferty to Engrossed House Bill No. 426 by Representative Hilferty

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S.
3 9:1123:112(C) and (E)"

4 AMENDMENT NO. 2

5 On page 1, line 5, after "policy;" insert "to provide for coverage of betterments and
6 improvements; to provide with respect to a unit owner's property insurance policy;"

7 AMENDMENT NO. 3

8 On page 1, line 8, change "R.S. 9:1123:112(C)(3)" to "R.S. 9:1123:112(C)"

9 AMENDMENT NO. 4

10 On page 1, line 13, delete the set of asterisks "****" and insert the following:

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

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

16 AMENDMENT NO. 5

17 On page 1, between lines 16 and 17, insert the following:

18 ~~"(4) If, at the time of a loss under the policy, there is other insurance in the~~
19 ~~name of a unit owner covering the same property covered by the policy, the policy~~
20 ~~is primary insurance not contributing with the other insurance. (a) Absent a~~
21 ~~provision in the condominium declaration or bylaws establishing the primacy of~~
22 ~~property insurance coverage, a unit owner's property insurance policy covering~~
23 ~~betterments and improvements shall be primary for that unit owner's betterments and~~
24 ~~improvements to the extent of the value of the betterments and improvements. The~~
25 ~~association property insurance policy shall remain primary with respect to common~~
26 ~~elements and fixtures and improvements of the condominium units that are not~~
27 ~~classified as betterments and improvements.~~

28 (b) For purposes of this Subsection, betterments and improvements include
29 upgrades or improvements to a particular unit that are of a higher quality than those
30 originally constructed within the units subject to the condominium regime. The
31 replacement of worn or obsolete items shall not be considered betterments and
32 improvements unless the items are upgrades or improvements that are of a higher
33 quality than generally exist within units subject to the condominium regime. For
34 insurance purposes, at the time of any loss, all unit improvements and betterments
35 shall be considered the improvements and betterments of the current unit owner.

1 (5) Nothing in this Section shall be construed to require the association to
2 insure a unit owner's individual liability except as set forth in Paragraph (C)(1) of
3 this Section. Nothing in this Section shall be construed to prevent the association
4 from pursuing any deductible or out-of-pocket expenses not covered by the
5 association's insurance policies."

6 AMENDMENT NO. 6

7 On page 1, line 19, delete "his" and insert "the unit owner's"

8 AMENDMENT NO. 7

9 On page 2, delete line 7 in its entirety