

Regular Session, 2013

HOUSE BILL NO. 400

BY REPRESENTATIVE RITCHIE

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

INSURANCE COMMISSIONER: Provides with respect to home service contract providers

1 AN ACT

2 To amend and reenact R.S. 22:1806.5(L), relative to home service contracts; to provide with  
3 respect to home service contracts which require the contract holder to obtain prior  
4 approval for repairs; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1806.5(L) is hereby amended and reenacted to read as follows:

7 §1806.5. Required disclosures; service contracts

8 \* \* \*

9 L. If prior approval of repair work is required, a home service contract shall  
10 state the procedure for obtaining prior approval and for making a claim, including  
11 a toll-free telephone number for claim service and a procedure for obtaining  
12 emergency repairs performed outside of normal business hours; however, an  
13 otherwise valid claim shall not be denied solely on the basis that the contract holder  
14 failed to obtain prior approval.

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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)]

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Ritchie

HB No. 400

**Abstract:** Provides that an otherwise valid claim shall not be denied solely because of the contract holder's failure to obtain prior approval.

Present law recognizes a "home service contract" as a contract or agreement between the contract holder and the contract provider whereby the contract holder agrees, for a specific duration of time, to perform or indemnify the service, repair, replacement, or maintenance of property for the operational or structural failure of a residential property due to a defect in materials, workmanship, inherent defect, or normal wear and tear. Home service contracts may include additional provisions which alter the rights and duties of the parties.

Present law requires home service contracts to set forth all of the obligations and duties of the contract holder in clear and understandable language.

Proposed law retains present law.

Present law requires that a home service contract which requires prior approval of repair work to state the procedure the contract holder must follow in order to obtain prior approval and to make a claim. Present law further requires the contract provider to include a toll-free telephone number for claim service.

Proposed law retains present law and further states that a home service contract provider shall not deny a contract holder's otherwise valid claim for repair based solely on the contract holder's failure to obtain prior approval before commencing the repair.

(Amends R.S. 22:1806.5(L))