



1           WHEREAS, the 2010 hurricane season began on June 1, 2010; and

2           WHEREAS, experts, namely the National Oceanic and Atmospheric Administration  
3 (NOAA), predict that this 2010 hurricane season will be one of the strongest on record, with  
4 at least fourteen to twenty-three named storms; and

5           WHEREAS, each storm is accompanied by the threat that oil-saturated sea water will  
6 be launched upon the land and homes of property owners who live in proximity to the gulf  
7 coast; and

8           WHEREAS, a standard homeowner insurance policy would describe this  
9 aforementioned threat as "an onshore rush of water associated with a low pressure weather  
10 system," or a storm surge; and

11           WHEREAS, a standard homeowner insurance policy excludes storm surges from  
12 coverage under the policy; and

13           WHEREAS, a standard homeowner insurance policy defines the term "pollutant" in  
14 such a way that the same crude oil which is posing the threat to residents and property  
15 owners of land along the Gulf Coast would be excluded because it is unaltered, and is  
16 leaking into the gulf in its congenital form; and

17           WHEREAS, a standard homeowner insurance policy would cover neither ground  
18 contamination nor flood damage caused by a propulsion of oil onto land by a hurricane or  
19 tropical storm; and

20           WHEREAS, a standard flood insurance policy will cover structural damage to a  
21 home only; and

22           WHEREAS, a standard flood insurance policy will not cover ground contamination  
23 of a home or property owner's land; and

24           WHEREAS, oil is toxic; and

25           WHEREAS, the toxic properties of oil can remain within the land for several years;

26 and

27           WHEREAS, toxic oil can kill creatures that live on land and in dirt; and

28           WHEREAS, the presence of oil on land can dramatically decrease property value;

29 and

1           WHEREAS, British Petroleum is the responsible party for the presence of oil in the  
2 Gulf of Mexico; and

3           WHEREAS, British Petroleum is the responsible party for any oil damage; and

4           WHEREAS, it is yet unresolved where Louisiana citizens, property owners, and  
5 insurance policy holders will be able to receive relief in the event that they sustain damage  
6 to their land, homes, or other properties in the event that an act of God propels British  
7 Petroleum oil onto their land, homes, or other properties; and

8           WHEREAS, it is imperative to determine to whom Louisiana citizens, property  
9 owners, and insurance policy holders shall be able to direct their claims of loss and from  
10 whom they shall receive restitution.

11           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
12 Legislature of Louisiana does hereby urge and request the state commissioner of insurance  
13 to investigate who will be responsible for property damage resulting from the oil spill.

14           BE IT FURTHER RESOLVED that a written report shall be made to the House  
15 Committee on Insurance no later than August 31, 2010.

16           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
17 commissioner of insurance of this state.

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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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LaFonta

HR No. 165

Urges and requests the state commissioner of insurance to investigate who will be responsible for property damage resulting from the oil spill, in the event that a hurricane, tropical storm, or some other act of God serves to propel the oil onto land or property.

Provides that the state commissioner of insurance shall make a written report, to be delivered to the House Committee on Insurance on or before August 31, 2010.