SLS 20RS-571 **ENGROSSED**

2020 Regular Session

SENATE BILL NO. 373

BY SENATOR CLOUD

INSURERS. Revises time period in which insurer must provide an insured loss claims history upon request. (8/1/20)

1	AN ACT
2	To amend and reenact R.S. 22:1964(20)(a) and (b), relative to unfair or deceptive methods,
3	acts, and practices in the business of insurance; to provide with respect to the failure
4	to provide claims history within ten business days of receipt of the insured's written
5	request; to include mail, fax, and email as methods for submitting the request; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 22:1964(20)(a) and (b) are hereby amended and reenacted to read
9	as follows:
10	§1964. Methods, acts, and practices which are defined as unfair or deceptive
11	The following are declared to be unfair methods of competition and unfair
12	or deceptive acts or practices in the business of insurance:
13	* * *
14	(20) Failure to provide claims history.
15	(a) Loss information - property and casualty. Failure of a company issuing
16	property and casualty insurance to provide the following loss information, by mail
17	and, if the request was not submitted by mail, by the same means the request

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1 was submitted, for the three five previous policy years to the first named insured 2 within thirty ten business days of receipt of the first named insured's written request 3 submitted by mail, fax, or email: (i) On all claims, date, and description of occurrence, and total amount of 4 5 payments. (ii) For any occurrence not included in Item (i) of this Subparagraph, the date 6 7 and description of occurrence. 8 (b) Should the first named insured be requested by a prospective insurer to 9 provide detailed loss information in addition to that required under Subparagraph (a) 10 of this Paragraph, the first named insured may mail, fax, email, or deliver a written 11 request to the insurer for the additional information. No prospective insurer shall 12 request more detailed loss information than reasonably required to underwrite the 13 same line or class of insurance. The insurer shall provide information under this Subparagraph, by mail and, if the request was not submitted by mail, by the same 14 means the request was submitted, to the first named insured as soon as possible, 15 16 but in no event later than twenty ten business days of receipt of the written request. Notwithstanding any other provision of this Section, no insurer shall be required to 17 provide loss reserve information, and no prospective insurer may refuse to insure an 18 19 applicant solely because the prospective insurer is unable to obtain loss reserve information. 20 21

The original instrument was prepared by LG Sullivan. The following digest, which does not constitute a part of the legislative instrument, was prepared by Brandi Cannon.

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Cloud

<u>Present law</u> provides for methods, acts, and practices which are defined as unfair or deceptive, including failure to provide claims history within 30 days of receipt of the first named insured's written request and within 20 days of receipt of the first named insured's request for certain additional information.

<u>Proposed law</u> retains <u>present law</u> and reduces to ten business days the time frame for providing the claims history in either case. Specifies that a written request may be submitted by mail, fax, or email. Requires the response to be sent by mail in all cases. Requires the

response also to be sent by the means the request was submitted, if the request was made by fax or email.

Effective August 1, 2020.

(Amends R.S. 22:1964(20)(a) and (b))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Specify that the time period for providing the claims history is ten business days.