

ACT No. 739

HOUSE BILL NO. 1289 (Duplicate of Senate Bill No. 740)

BY REPRESENTATIVE MORRELL AND SENATOR QUINN AND COAUTHORED BY REPRESENTATIVES ANSARDI, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BURNS, BURRELL, K. CARTER, DANIEL, DARTEZ, DORSEY, FARRAR, FAUCHEUX, FRITH, GLOVER, GRAY, E. GUILLORY, HARRIS, HEATON, HEBERT, HILL, HONEY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MCDONALD, ODINET, PIERRE, QUEZAIRE, RICHMOND, ROMERO, SCHNEIDER, JANE SMITH, ST. GERMAIN, AND TRAHAN AND SENATOR MURRAY

1 AN ACT

2 To amend and reenact R.S. 22:629 and to enact R.S. 22:658.3, relative to insurance claims;
3 to provide relative to certain time limitations on actions; to extend the time for filing
4 certain insurance claims for damages arising from hurricane activity; to provide for
5 an emergency effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:629 is hereby amended and reenacted and R.S. 22:658.3 is hereby
8 enacted to read as follows:

9 §629. Limiting actions; jurisdiction

10 A. No insurance contract delivered or issued for delivery in this state and
11 covering subjects located, resident, or to be performed in this state, or any group
12 health and accident policy insuring a resident of this state; regardless of where made
13 or delivered, shall contain any condition, stipulation, or agreement:

14 (1) Requiring it to be construed according to the laws of any other state or
15 country except as necessary to meet the requirements of the motor vehicle financial
16 responsibility laws of such other state or country; or

17 (2) Depriving the courts of this state of the jurisdiction of action against the
18 insurer; ~~or,~~

19 ~~(3) B. No insurance contract delivered or issued for delivery in this state and~~
20 ~~covering subjects located, resident, or to be performed in this state, or any group~~

1 health and accident policy insuring a resident of this state regardless of where made
 2 or delivered, shall contain any condition, stipulation, or agreement limiting ~~Limiting~~
 3 right of action against the insurer to a period of less than twelve months next after
 4 the inception of the loss when the claim arises under any insurance classified and
 5 defined in R.S. 22:6(10), (11), (12), and (13), or to a period of less than one year
 6 from the time when the cause of action accrues in connection with all other
 7 insurances unless otherwise specifically provided in this Code.

8 ~~B.~~ C. Any such condition, stipulation, or agreement in violation of this
 9 Section shall be void, but such voiding shall not affect the validity of the other
 10 provisions of the contract.

11 * * *

12 §658.3. Filing claims; extension for claims arising from hurricane activity

13 A. Notwithstanding any other provision of this Title to the contrary, any
 14 person or entity having a claim for damages pursuant to a homeowners' insurance
 15 policy, personal property insurance policy, tenant homeowners' insurance policy,
 16 condominium owners' insurance policy, or commercial property insurance policy,
 17 and resulting from Hurricane Katrina shall have through September 1, 2007, within
 18 which to file a claim with their insurer for damages, unless a greater time period to
 19 file such claim is otherwise provided by law or by contract.

20 B. Notwithstanding any other provision of this Title to the contrary, any
 21 person or entity having a claim for damages pursuant to a homeowners' insurance
 22 policy, personal property insurance policy, tenant homeowners' insurance policy,
 23 condominium owners' insurance policy, or commercial property insurance policy,
 24 and resulting from Hurricane Rita shall have through October 1, 2007, within which
 25 to file a claim with their insurer for damages, unless a greater time period to file such
 26 claim is otherwise provided by law or by contract.

27 Section 3. The attorney general is hereby directed to file suit within ten days of the
 28 effective date of this Act seeking declaratory judgment to determine the constitutionality of
 29 the provisions of this Act or the constitutionality of Acts 2006, No. __ that originated as

1 House Bill No. 1302 or Acts 2006, No. ___ that originated as Senate Bill No. 740, and such
2 suit shall seek to determine the constitutionality of any or all of these Acts.

3 Section 4. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____