

**§18941. Effective Date**

A. This regulation shall become effective upon final publication in the *Louisiana Register*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:2361 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:276 (February 2023).

## **Chapter 191. Regulation 124— Catastrophe Claims Process Disclosure Form-Guide**

**§19101. Authority**

A. Regulation 124 is promulgated on behalf of the Department by the Commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:11, and as specifically required in accordance with R.S. 22:1897.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:493 (March 2023).

**§19103. Purpose**

A. The purpose of Regulation 124 is to implement the provisions of Acts 2022, No. 80 of the Regular Session of the Louisiana Legislature, which mandate that the Department promulgate rules and regulations for a catastrophe claims process disclosure form-guide that includes, but is not limited to, the particulars specified in R.S. 22:1897(A)(1) – (12).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:493 (March 2023).

**§19105. Scope and Applicability**

A. Regulation 124 applies to all property and casualty insurers settling a property insurance claim arising out of a state of emergency declared by the governor pursuant to R.S. 29:724.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:493 (March 2023).

**§19107. Definitions**

A. These terms when used in this Chapter shall have the following meanings:

*Commissioner*—the Louisiana Commissioner of Insurance.

*Department*—the Louisiana Department of Insurance.

*Disclosure Form-Guide*—the catastrophe claims process disclosure form referenced in R.S. 22:1897.

*Governor*—the governor of the state of Louisiana.

*Insurer(s)*—property and casualty insurer(s) licensed to conduct business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19109. Disclosure Form-Guide**

A. Whenever a state of emergency is declared by the governor in accordance with R.S. 29:724, an insurer must provide a disclosure form-guide to all policyholders asserting a claim for damages occasioned by the disaster or catastrophic event made the subject of the governor's emergency declaration.

B. The disclosure form-guide was created by the department in accordance with the particulars set forth in R.S. 22:1897(A)(1)-(12) and thereafter issued by bulletin to all property and casualty insurers licensed in this state.

C. The disclosure form-guide has been uploaded to the department's website, at [www.lds.la.gov](http://www.lds.la.gov), and insurers are authorized to access and download it as needed to comply with Regulation 124 and with the statutory requirements set forth in R.S. 22:1897.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19111. Date and Method of Delivery**

A. The insurer shall send the disclosure form-guide to the policyholder on the date that the adjuster commences an initial investigation of the claim.

B. The insurer may deliver the disclosure form-guide to the policyholder by United States mail, electronic delivery, or hand-delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19113. Proof of Timely Delivery**

A. Delivery by Mail. If the disclosure form-guide is sent to a policyholder via United States mail, proof of such mailing shall be sufficient evidence to establish delivery of the disclosure form-guide, provided it reflects the date of the mailing and the policyholder.

B. Electronic Delivery. If the disclosure form-guide is sent to a policyholder via email, the email delivery receipt or, if none, a copy of the as-sent email, shall be sufficient evidence to establish delivery of the disclosure form-guide, provided the delivery receipt or email reflects the date of the electronic mailing and the policyholder.

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C. Hand-Delivery. If the disclosure form-guide is hand-delivered to a policyholder, the representative of the insurer perfecting delivery must complete and sign a Certificate of Hand-Delivery, verifying pertinent details related to the delivery of the disclosure form-guide, including the date and location of the delivery, the name of the person accepting the delivery, and the name of the policyholder. Appendix A sets forth the Certificate of Hand-Delivery form insurers must use when opting to hand-deliver the disclosure form-guide to a policyholder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19115. Severability Clause**

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart, which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19117. Effective Date**

A. Regulation 124 shall become effective upon publication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

**§19119. Appendix A—Certificate Of Hand-Delivery**

**CATASTROPHE CLAIMS PROCESS DISCLOSURE FORM-GUIDE**

I hereby certify, under penalty of perjury, that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I appeared at:

(Physical address): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

and personally hand-delivered a true and complete copy of the Catastrophe Claims Process Disclosure Form-Guide to:

(Name of recipient): \_\_\_\_\_

Delivery of this disclosure form-guide was made in connection with the following policy of insurance:

(Policy number): \_\_\_\_\_

(Policyholder): \_\_\_\_\_

(Printed Name): \_\_\_\_\_

(Signature): \_\_\_\_\_

(Date signed): \_\_\_\_\_

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:1897, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 49:494 (March 2023).

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| R.S. 22:3078   | R.S. 22:1129         |
| R.S. 22:3079   | R.S. 22:1130         |
| R.S. 22:3080   | R.S. 22:1131         |
| R.S. 22:3081   | R.S. 22:1132         |
| R.S. 22:3082   | R.S. 22:1133         |
| R.S. 22:3083   | R.S. 22:1134         |
| R.S. 22:3084   | R.S. 22:1135         |

| Former Section | Redesignated Section |
|----------------|----------------------|
| R.S. 22:3085   | R.S. 22:1136         |
| R.S. 22:3086   | R.S. 22:1137         |
| R.S. 22:3087   | R.S. 22:1138         |
| R.S. 22:3088   | R.S. 22:1139         |
| R.S. 22:3089   | R.S. 22:1140         |
| R.S. 22:3090   | R.S. 22:1141         |
| R.S. 22:3091   | R.S. 22:1142         |
| R.S. 22:3092   | R.S. 22:1143         |
| R.S. 22:3093   | R.S. 22:1144         |
| R.S. 22:3101   | R.S. 22:1241         |
| R.S. 22:3102   | R.S. 22:1243         |
| R.S. 22:3103   | R.S. 22:1244         |
| R.S. 22:3104   | R.S. 22:1245         |
| R.S. 22:3105   | R.S. 22:1246         |
| R.S. 22:3106   | R.S. 22:1247         |
| R.S. 22:3107   | R.S. 22:1248         |
| R.S. 22:3108   | R.S. 22:1249         |
| R.S. 22:3109   | R.S. 22:1250         |
| R.S. 22:3110   | R.S. 22:1251         |

| Former Section | Redesignated Section |
|----------------|----------------------|
| R.S. 22:3111   | R.S. 22:1252         |
| R.S. 22:3112   | R.S. 22:1242         |
| R.S. 22:3201   | R.S. 22:2131         |
| R.S. 22:3202   | R.S. 22:2132         |
| R.S. 22:3203   | R.S. 22:2133         |
| R.S. 22:3204   | R.S. 22:2134         |
| R.S. 22:3205   | R.S. 22:2135         |
| R.S. 22:3301   | R.S. 22:2361         |
| R.S. 22:3302   | R.S. 22:2362         |
| R.S. 22:3303   | R.S. 22:2363         |
| R.S. 22:3304   | R.S. 22:2364         |
| R.S. 22:3305   | R.S. 22:2365         |
| R.S. 22:3306   | R.S. 22:2366         |
| R.S. 22:3307   | R.S. 22:2367         |
| R.S. 22:3308   | R.S. 22:2368         |
| R.S. 22:3309   | R.S. 22:2369         |
| R.S. 22:3310   | R.S. 22:2370         |
| R.S. 22:3311   | R.S. 22:2371         |
| R.S. 22:3312   | R.S. 22:2372         |