

**§15111. Investigation; Findings**

A. The Division of Diversity and Opportunity shall consider any affirmative action plan submitted to it, along with any other pertinent information submitted to it, in investigating complaints alleging employment discrimination prohibited by part IV of chapter 3-A of title 23 (R.S. 23:331 et seq.)

B. Following the completion of its review of a properly filed complaint, the receipt of the insurer's response, and any further investigation the department requires, the Division of Diversity and Opportunity shall issue its finding to the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:31(C), 32(B), and 35(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:2190 (November 2017).

**§15113. Enforcement; Sanctions**

A. In the event the Division of Diversity and Opportunity finds an apparent violation of R.S. 22:31 et seq., the commissioner may apply penalties as provided for in the Insurance Code.

1. for employment discrimination prohibited by part IV of chapter 3-A of title 23 (R.S. 23:331 et seq.), the commissioner may issue a cease and desist order and other penalties, as provided in R.S. 22:33;

2. for violations of R.S. 22:35, the commissioner shall fine the insurer \$10,000 for each occurrence, as provided for in R.S. 22:35; or

3. for violations of R.S. 22:34, the commissioner shall issue a cease and desist order and other penalties as provided for in R.S. 22:1969 and 1970.

B. In lieu of taking action against an insurer alleged to have engaged in employment discrimination prohibited by part IV of chapter 3-A of title 23 (R.S. 23:331 et seq.), the commissioner may advise the complainant to file a complaint with the federal Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:31(C), 32(B), and 35(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:2191 (November 2017).

**§15115. Administrative Hearing**

A. Prior to the imposition of a penalty or sanction for an apparent violation of R.S. 22:31 et seq., an aggrieved party affected by a decision, act, or order of the commissioner may make a written demand for a hearing in accordance with R.S. 22:2191 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:31(C), 32(B), and 35(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:2191 (November 2017).

**§15117. Violations Reported by Employees; Retaliation by Insurer Prohibited**

A. This regulation shall not preclude or in any way limit the applicability of R.S. 22:14(A), which prohibits any insurer transacting business in this state from penalizing any of its employees for reporting to the commissioner or other appropriate authorities, in good faith, a suspected violation of the Insurance Code, including discrimination prohibited by R.S. 22:31 et seq. As provided in R.S. 22:14(A), *penalizing* shall include the following:

1. discharging, disciplining, demoting, transferring, or otherwise discriminating against an employee of the insurer;

2. reducing the benefits, pay, or work privileges of the employee of the insurer;

3. preparing a negative work performance evaluation of an employee of the insurer;

4. threatening to take any of the above actions.

B. This regulation shall not preclude or in any way limit the applicability of R.S. 22:14(C), which provides that any employee who makes a written sworn report on the activities of an insurer is not subject to civil liability for making the report and no civil cause of action may arise against the employee for making the report. This immunity shall apply provided that the information available to the employee would support a reasonable belief that the activity, policy, or practice reported violates the Insurance Code, a rule, or the law, or impairs or endangers the solvency of the insurer. No such immunity shall apply to any report that is fraudulent or made in bad faith. Employees who intentionally make fraudulent reports or make reports in bad faith shall be guilty of the crime of false swearing and subject to the penalties provided for in R.S. 14:125.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:31(C), 32(B), and 35(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:2191 (November 2017).

**§15119. Severability**

A. If any Section or provision of Regulation 108 or its application to any persons or circumstances is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 108 to any persons or circumstances that can be given effect without the invalid Section or provision or application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:31(C), 32(B), and 35(C).

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:2191 (November 2017).

## Chapter 153. Regulation 107—Homeowner and Fire/Commercial Insurance Policy Disclosure Forms

**§15301. Purpose**

A. The purpose of Regulation 107 is to repromulgate the fire/commercial insurance policy disclosure form contained in Appendix A and to amend the homeowners insurance policy disclosure forms contained in Appendices B and C developed by the commissioner of insurance for use by all property and casualty insurers issuing, delivering or renewing homeowners and fire/commercial insurance policies that provide coverage for damages to property in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:530 (March 2017), amended LR 45: 1779 (December 2019).

**§15303. Applicability and Scope**

A. Regulation 107 shall be applicable to all property and casualty insurers for all new fire/commercial policies and homeowner policies and all renewals of existing fire/commercial policies and homeowner policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:530 (March 2017), amended LR 45: 1779 (December 2019).

**§15305. Disclosure Forms**

A. Every property and casualty insurer issuing, delivering or renewing homeowners or fire/commercial insurance policies that provide coverage for damage to property in Louisiana shall present to the insured as an insert in the front of the policy upon issuance, delivery or renewal the appropriate disclosure form.

B. Formatting Instructions. The text of the disclosure form should be formatted as shown in the applicable appendix in bold type of not less than a fourteen-point font.

C. Appendix A contains the form that sets forth the disclosures required by R.S. 22:1319 for use by all property and casualty insurers issuing fire/commercial policies covering property in Louisiana.

D. Appendix B contains the form that sets forth the disclosures required by R.S. 22:1332(B)(1)-(6) and (8) for use by all property and casualty insurers issuing homeowner policies covering property in Louisiana.

E. Appendix C contains the form that sets forth the disclosures required by R.S. 22:1332(B)(1)-(8) for use by all property and casualty insurers issuing homeowner policies covering property in Louisiana that use claims that do not exceed the policy deductible and that do not result in a payment either to the insured or on behalf of the insured to increase the cost of the policy premium in the future or as part of the basis for cancellation of a policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:531 (March 2017), amended LR 45:1779 (December 2019).

**§15307. Amendment**

A. The commissioner of insurance reserves the right to amend, modify, alter or rescind all or any portion of Regulation 107.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:531 (March 2017), amended LR 45:1780 (December 2019).

**§15309. Severability Clause**

A. If any provision of Regulation 107, or the application thereof to any circumstance, is held invalid, such determination shall not affect other provisions or applications of Regulation 107 which can be given effect without the invalid provision or application, and to that end the provisions of Regulation 107 are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:531 (March 2017), amended LR 45: 1780 (December 2019).

**§15311. Effective Date**

A. The forms previously promulgated in Appendices B and C shall continue in use until May 30, 2020.

B. The amendments to Appendices B and C shall be used for all new and renewal policies issued or renewed on or after May 30, 2020.

C. The form previously promulgated in Appendix A remains unchanged and shall continue in full force and effect until amended, modified, altered or rescinded by the commissioner of insurance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:531 (March 2017), amended LR 45: 1780 (December 2019).

**§15313. Appendices**

A. Appendix A

**Important Information Required by  
the Louisiana Department of Insurance**

Fire Insurance Policy Coverage Disclosure Summary  
(other than Homeowners)

Or

Commercial Insurance Policy Coverage Disclosure Summary  
This form is promulgated pursuant to La. R.S. 22:1319

THIS IS ONLY A SUMMARY OF YOUR COVERAGE AND DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGES OR ANY OTHER PROVISIONS CONTAINED IN YOUR POLICY. INSURANCE IS A CONTRACT. THE LANGUAGE IN YOUR POLICY CONTROLS YOUR LEGAL RIGHTS AND OBLIGATIONS.

\*\*READ YOUR INSURANCE POLICY FOR  
COMPLETE POLICY TERMS AND CONDITIONS\*\*

COVERAGE(S) FOR WHICH PREMIUM WAS PAID (La. R.S.

INSURANCE

22:1319(B)(1))

[INSERT PROPERTY COVERAGES]

Deductibles (La. R.S. 22:1319(B)(3))

This policy sets forth certain deductibles that will be applied to claims for damages. When applicable, a deductible will be subtracted from your total claim and you will be paid the balance subject to applicable coverage limits.

- You may be able to reduce your premium by increasing your deductible. Contact your producer (agent) or insurer for details.

NOTICE: This policy [does/does not] set forth a separate deductible for covered losses caused by [hurricane; wind; named storm] as defined in the policy.

Separate Deductible

Examples—Hurricane, Wind or Named Storm Damage.

If applicable, the following illustrates how a separate deductible applying to hurricane, wind or named storm damage is applied under your policy:

The insurer shall comply with La. R.S. 22:1319 B(3) by selecting either option A or B below:

A. Developing its own standardized example to reflect how a hurricane, wind, or named storm damage loss will be adjusted under the policy. The standardized example shall set forth a separate loss for each coverage included in the policy for which a premium has been paid. The total of all losses combined shall exceed by at least ten percent (10%) the applicable deductible(s) so that the example demonstrates a net payment to the insured.

B. Utilizing the standardized example prepared by the LDI if this standardized example properly reflects how a separate deductible is applied to a hurricane, wind, or named storm damage loss under the policy:

The following assumes no co-insurance penalty and a 2% hurricane, wind, or named storm deductible. The amounts of loss to the damaged property are \$50,000 (building) and \$20,000 (business personal property).

Limits of insurance on building	\$ 100,000
Total amount of building loss	\$ 50,000
Less 2% deductible (\$100,000 X .02)	\$ 2,000
Net payment to insured for building loss	\$ 48,000

Limits of insurance on the business personal property	\$ 50,000
Total amount of business personal property loss	\$ 20,000
Less 2% deductible (\$50,000 X .02)	- \$ 1,000
Net payment to insured for business personal property loss	\$ 19,000

Total net payment to insured for building and business personal property loss (\$48,000 + \$19,000)	\$ 67,000
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TO SEE EXACTLY HOW YOUR SEPARATE HURRICANE, WIND OR NAMED STORM DEDUCTIBLE WILL APPLY, PLEASE REFER TO YOUR POLICY.

Limitations or Exclusions under this Policy (La. R.S. 22:1319(B)(2))

FLOOD—Flood damage [is/is not] covered, regardless of how caused, when flood is the peril that causes the loss. Flood water includes, but is not limited to, storm surge, waves, tidal water, overflow of a body of water, whether driven by wind or not.

Flood Insurance may be available through the National Flood Insurance Program (NFIP). NFIP flood insurance may provide coverage for damage to your dwelling or building and/or contents

subject to the coverage limits and terms of the policy.

Excess Flood Insurance may be available under a separate policy, from this or another insurer, if the amount of the primary flood insurance is not enough to cover the value of your property.

- You may contact your producer (agent) or insurer for more information on the NFIP and excess flood insurance.

MOLD—Damage caused solely by mold [is/is not] covered under this policy.

\*\* FOR ALL OTHER LIMITATIONS OR EXCLUSIONS REFER TO YOUR POLICY FOR COMPLETE DETAILS ON TERMS AND PROVISIONS \*\*

B. Appendix B

**Important Information Required by the Louisiana Department of Insurance**

Homeowners Insurance Policy Coverage Disclosure Summary  
This form is promulgated pursuant to La. R.S. 22:1332(B)(1)-(6) and (8)

THIS IS ONLY A SUMMARY OF YOUR COVERAGE AND DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGES OR ANY OTHER PROVISIONS CONTAINED IN YOUR POLICY. INSURANCE IS A CONTRACT. THE LANGUAGE IN YOUR POLICY CONTROLS YOUR LEGAL RIGHTS AND OBLIGATIONS.

\*\*READ YOUR INSURANCE POLICY FOR COMPLETE POLICY TERMS AND CONDITIONS\*\*

COVERAGE(S) FOR WHICH PREMIUM WAS PAID (La. R.S. 22:1332(B)(1))

[INSERT PERSONAL PROPERTY COVERAGES]

Example:

Coverage A .....	Dwelling
Coverage B .....	Other Structures
Coverage C .....	Personal Property
Coverage D .....	Loss of Use
Coverage E .....	Personal Liability
Coverage F .....	Medical Payments

Deductibles(La. R.S. 22:1332(B)(5) and (6))

This policy sets forth certain deductibles that will be applied to claims for damages. When applicable, a deductible will be subtracted from your total claim and you will be paid the balance subject to applicable coverage limits.

- You may be able to reduce your premium by increasing your deductible. Contact your producer (agent) or insurer for details.

NOTICE: This policy [does/does not] set forth a separate deductible for covered losses caused by [hurricane; wind; named storm] as defined in the policy.

Separate Deductible Example—Hurricane, Wind or Named Storm Damage.

If applicable, the following illustrates how a separate deductible applying to hurricane, wind or named storm damage is applied under your policy:

The insurer shall comply with La. R.S. 22:1332(B)(6) by selecting and inserting either option A or B below:

A. Developing its own standardized example to reflect how a hurricane, wind, or named storm damage loss will be adjusted under the policy. The standardized example shall set forth a

separate loss under each of Coverage A, B, C and D and the total of all losses combined shall exceed by at least ten percent (10%) the applicable deductible so that there shall be a net payment to the insured.

B. Utilizing the standardized example prepared by the LDI if this standardized example properly reflects how a separate deductible is applied to a hurricane, wind, or named storm damage loss under the policy:

If the total insured value of the dwelling or Coverage A is \$200,000 and you have a 2% hurricane, wind, or named storm deductible, then your hurricane, wind or named storm deductible would be \$200,000.00 X .02 = \$4,000.00.

Losses:

Coverage A – Dwelling .....	\$15,000
Coverage B – Other Structures .....	\$ 2,500
Coverage C – Personal Property .....	\$ 3,000
Coverage D – Loss of Use .....	\$ 2,000
Total amount of all losses .....	\$22,500
Less 2% hurricane, wind or named storm deductible.....	\$ 4,000
Net payment to insured.....	\$18,500

TO SEE EXACTLY HOW YOUR SEPARATE HURRICANE, WIND OR NAMED STORM DEDUCTIBLE WILL APPLY, PLEASE REFER TO YOUR POLICY.

Limitations or Exclusions under this Policy (La. R.S. 22:1332(B)(2))

FLOOD—Flood damage [is/is not] covered, regardless of how caused, when flood is the peril that causes the loss. Flood water includes but is not limited to storm surge, waves, tidal water, overflow of a body of water, whether driven by wind or not.

Flood Insurance may be available through the National Flood Insurance Program (NFIP). NFIP flood insurance may provide coverage for damage to your dwelling and/or contents subject to the coverage limits and terms of the policy.

Excess Flood Insurance may be available under a separate policy from this or another insurer if the amount of the primary flood insurance is not enough to cover the value of your property.

- You may contact your producer (agent) or insurer for more information on the NFIP and excess flood insurance.

MOLD—Damage caused solely by mold [is/is not] covered under this policy.

**\*\* FOR ALL OTHER LIMITATIONS OR EXCLUSIONS REFER TO YOUR POLICY FOR COMPLETE DETAILS ON TERMS AND PROVISIONS \*\***

Claim Filing Process (La. R.S. 22:1332(B)(3))

There may be time limitations for filing a claim and filing of a satisfactory proof of loss. There may also be time limitations for repairing and replacing damaged property that could cause you to not recover the replacement cost for the insured loss of your property, if applicable.

Payment of Claims (La. R.S. 22:1332(B)(3))

Depending on the terms of the insurance policy, some losses may be based on actual cash value (ACV) and other losses based on replacement cost (RC).

- ACV is the amount needed to repair or replace the damaged or destroyed property, minus the depreciation.
- RC involves the initial payment of actual cash value (ACV) of a loss, and the subsequent payment of the additional amount that is actually and necessarily expended to repair or replace the damaged or destroyed property.

**\*\*Refer to your policy for the terms and conditions describing how a particular loss is to be paid.**

Payment and Adjustment of Claims (La. R.S. 22:1332(B)(4))

Pursuant to La. R.S. 22:1892 and 22:1973, except in the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim and/or a claim for reasonable medical expenses within fourteen (14) days after notification of loss by the claimant.

In the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim within thirty (30) days after notification of loss by the claimant unless the Commissioner of Insurance promulgates a rule to extend the time period for initiating a loss adjustment for damages arising from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster for up to an additional thirty (30) days. Thereafter, one additional extension of the period of time for initiating a loss adjustment may be allowed by the Commissioner of Insurance if approved by the Senate Committee on Insurance and the House Committee on Insurance.

All insurers shall make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after the receipt of satisfactory proof of loss of that claim.

Failure to make such payment within thirty (30) days after receipt of such satisfactory written proofs and demand thereof or failure to make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after receipt of a satisfactory proof of loss of that claim may result in a late penalty against the insurer in addition to the payment of the claim.

If the insurer is found to be arbitrary, capricious, or without probable cause in settling any property damage claim, the insurer must pay the insured, in addition to the amount of the loss, fifty percent (50%) damages on the amount found to be due from the insurer to the insured, or one thousand dollars (\$1,000.00), whichever is greater, as well as attorney fees and costs, if applicable.

Reduction in Premium for Improvements or Modifications to Property (La. R.S. 22:1332(B)(8))

Certain improvements or modifications to your property, such as adding storm shutters, modifying the roof design, and improving the roof covering, may reduce your premium. Contact your insurance producer or insurer for complete details on qualifying improvements or modifications. For further guidance and assistance, see Regulation 94—Premium Adjustments for Compliance with Building Codes and Damage Mitigation, found at LAC 37:XIII.Chapter 127.

C. Appendix C

**Important Information Required by the Louisiana Department of Insurance**

Homeowners Insurance Policy Coverage Disclosure Summary  
This form is promulgated pursuant to La. R.S. 22:1332 (B)(1)-(8)

THIS IS ONLY A SUMMARY OF YOUR COVERAGE AND DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGES OR ANY OTHER PROVISIONS CONTAINED IN YOUR POLICY. INSURANCE IS A CONTRACT. THE LANGUAGE IN YOUR POLICY CONTROLS YOUR LEGAL RIGHTS AND OBLIGATIONS.

**\*\*READ YOUR INSURANCE POLICY FOR COMPLETE POLICY TERMS AND CONDITIONS\*\***

COVERAGE(S) FOR WHICH PREMIUM WAS PAID  
(La. R.S. 22:1332(B)(1))

INSURANCE

[INSERT PERSONAL PROPERTY COVERAGES]

- Example: Coverage A.....Dwelling Coverage B..... Other Structures Coverage C..... Personal Property Coverage D..... Loss of Use Coverage E..... Personal Liability Coverage F..... Medical Payments

Deductibles (La. R.S. 22:1332(B)(5), (6) and (7))

This policy sets forth certain deductibles that will be applied to claims for damages. When applicable, a deductible will be subtracted from your total claim and you will be paid the balance subject to applicable coverage limits.

- You may be able to reduce your premium by increasing your deductible. Contact your producer (agent) or insurer for details. If you file a claim that does not exceed the policy deductible and that does not result in a payment either to you or on your behalf, that claim may be used to increase the cost of your policy's premium in the future or as part of the basis for cancellation of your policy.

NOTICE: This policy [does/does not] set forth a separate deductible for covered losses caused by [hurricane; wind; named storm] as defined in the policy.

Separate Deductible Example—Hurricane, Wind or Named Storm Damage.

If applicable, the following illustrates how a separate deductible applying to hurricane, wind or named storm damage is applied under your policy:

The insurer shall comply with La. R.S. 22:1332 B(6) by selecting and inserting either option A or B below:

A. Developing its own standardized example to reflect how a hurricane, wind, or named storm damage loss will be adjusted under the policy. The standardized example shall set forth a separate loss under each of Coverage A, B, C and D and the total of all losses combined shall exceed by at least ten percent (10%) the applicable deductible so that there shall be a net payment to the insured.

B. Utilizing the standardized example prepared by the LDI if this standardized example properly reflects how a separate deductible is applied to a hurricane, wind, or named storm damage loss under the policy:

If the total insured value of the dwelling or Coverage A is \$200,000.00 and you have a 2% hurricane, wind, or named storm deductible, then your hurricane, wind or named storm deductible would be \$200,000.00 X .02 = \$4,000.00.

Losses: Coverage A – Dwelling ..... \$15,000 Coverage B – Other Structures ..... \$ 2,500 Coverage C – Personal Property ..... \$ 3,000 Coverage D – Loss of Use ..... \$ 2,000 Total amount of all losses ..... \$22,500 Less 2% hurricane, wind or named storm deductible..... \$ 4,000 Net payment to insured ..... \$18,500

TO SEE EXACTLY HOW YOUR SEPARATE HURRICANE, WIND OR NAMED STORM DEDUCTIBLE WILL APPLY, PLEASE REFER TO YOUR POLICY.

Limitations or Exclusions under this Policy(La. R.S. 22:1332(B)(2))

FLOOD—Flood damage [is/is not] covered, regardless of how caused, when flood is the peril that causes the loss. Flood water includes but is not limited to storm surge, waves, tidal water,

overflow of a body of water, whether driven by wind or not.

Flood Insurance may be available through the National Flood Insurance Program (NFIP). NFIP flood insurance may provide coverage for damage to your dwelling and/or contents subject to the coverage limits and terms of the policy.

Excess Flood Insurance may be available under a separate policy from this or another insurer if the amount of the primary flood insurance is not enough to cover the value of your property.

- You may contact your producer (agent) or insurer for more information on the NFIP and excess flood insurance.

MOLD—Damage caused solely by mold [is/is not] covered under this policy.

\*\*FOR ALL OTHER LIMITATIONS OR EXCLUSIONS REFER TO YOUR POLICY FOR COMPLETE DETAILS ON TERMS AND PROVISIONS \*\*

Claim Filing Process (La. R.S. 22:1332(B)(3))

There may be time limitations for filing a claim and filing of a satisfactory proof of loss. There may also be time limitations for repairing and replacing damaged property that could cause you to not recover the replacement cost for the insured loss of your property, if applicable.

Payment of Claims(La. R.S. 22:1332(B)(3))

Depending on the terms of the insurance policy, some losses may be based on actual cash value (ACV) and other losses based on replacement cost (RC).

- ACV is the amount needed to repair or replace the damaged or destroyed property, minus the depreciation. RC involves the initial payment of actual cash value (ACV) of a loss, and the subsequent payment of the additional amount that is actually and necessarily expended to repair or replace the damaged or destroyed property.

\*\*Refer to your policy for the terms and conditions describing how a particular loss is to be paid.

Payment and Adjustment of Claims (La. R.S. 22:1332(B)(4))

Pursuant to La. R.S. 22:1892 and 22:1973, except in the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim and/or a claim for reasonable medical expenses within fourteen (14) days after notification of loss by the claimant.

In the case of catastrophic loss, the insurer shall initiate loss adjustment of a property damage claim within thirty (30) days after notification of loss by the claimant unless the Commissioner of Insurance promulgates a rule to extend the time period for initiating a loss adjustment for damages arising from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster for up to an additional thirty (30) days. Thereafter, one additional extension of the period of time for initiating a loss adjustment may be allowed by the Commissioner of Insurance if approved by the Senate Committee on Insurance and the House Committee on Insurance.

All insurers shall make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after the receipt of satisfactory proof of loss of that claim.

Failure to make such payment within thirty (30) days after receipt of such satisfactory written proofs and demand thereof or failure to make a written offer to settle any property damage claim, including a third-party claim, within thirty (30) days after receipt of a satisfactory proof of loss of that claim may result in a late penalty against the insurer in addition to the payment of the claim.

If the insurer is found to be arbitrary, capricious, or without probable

cause in settling any property damage claim, the insurer must pay the insured, in addition to the amount of the loss, fifty percent (50%) damages on the amount found to be due from the insurer to the insured, or one thousand dollars (\$1,000.00), whichever is greater, as well as attorney fees and costs, if applicable.

Reduction in Premium for Improvements or Modifications to Property (La. R.S. 22:1332(B)(8))

Certain improvements or modifications to your property, such as adding storm shutters, modifying the roof design, and improving the roof covering, may reduce your premium. Contact your insurance producer or insurer for complete details on qualifying improvements or modifications. For further guidance and assistance, see Regulation 94—Premium Adjustments for Compliance with Building Codes and Damage Mitigation, found at LAC 37:XIII.Chapter 127.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:1319, and 22:1332.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 43:531 (March 2017), amended LR 45:1780 (December 2019).

## Chapter 155. Regulation Number 109—Producer, Adjuster and Related Licenses

### §15501. Purpose

A. Regulation 109 implements the provisions of Act 154, of the 2017 Regular Session of the Louisiana Legislature, specifically R.S. 22:821(B)(3) and 22:1546(B)(1)(a), in addition to 22:1547(C)(1), 22:255, 22:1545, 22:1554, 22:1558, 22:1563, 22:1671, 22:1694, 22:1808.8 and 22:1922 which provide for the licensing of insurance producers, claims adjusters, public adjusters, insurance consultants and business entities acting as producers. Regulation 109 implements the provisions of Act 226, of the 2019 Regular Session of the Louisiana Legislature, specifically R.S. 22:821(B)(3)(b) which provides for renewal dates for insurance producer appointments.

B. The purpose of this regulation is:

1. to set forth requirements and procedures for applying for and maintaining a license as an insurance producer, claims adjuster, public adjuster, insurance consultant and business entity acting as a produce;

2. to set forth the time periods for expiration and renewal of insurance licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1678, 22:1708 22:1808.8 and 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:68 (January 2018), amended LR 47:745 (June 2021).

### §15503. Applicability and Scope

A. Regulation 109 shall apply to all persons and all business entities seeking licensure or who hold a license as an insurance producer, claims adjuster, public adjuster or insurance consultant.

AUTHORITY NOTE: Promulgated in accordance with R.S.

22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8 and 22:1922 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:68 (January 2018).

### §15505. Authority

A. Regulation 109 is promulgated by the commissioner pursuant to the authority granted under the *Louisiana Insurance Code*, R.S. 22:1 et seq., particularly R.S. 22:11, and specifically R.S. 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:691.2(3), 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8 and 22:1922.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:255, 22:691.2(3), 22:1545, 22:1550, 22:1554, 22:1558, 22:1563, 22:1678, 22:1708, 22:1808.8, 22:1922 and 22:1929(A) and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

### §15507. Definitions

A. For the purposes of Regulation 109 the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

*Applicant*—a person making application to the Louisiana Department of Insurance to obtain an insurance producer, claims adjuster, public adjuster or insurance consultant license.

*Business Entity*—as defined in R.S. 22:1542(2).

*Claims Adjuster*—as defined in R.S. 22:1661(1).

*Commissioner*—the commissioner of insurance of the Louisiana Department of Insurance.

*Control*—as defined in R.S. 22:691.2(3).

*Insurance Consultant*—as defined in R.S. 22:1808.1(B).

*Insurance License*—a license granted by the Louisiana Department of Insurance to do business as an insurance producer, claims adjuster, public adjuster or insurance consultant.

*Insurance Producer*—as defined in R.S. 22:1542(6).

*Public Adjuster*—as defined in R.S. 22:1692(7).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 22:255, 22:691.2(3), 22:821(B)(3), 22:1546(B)(1)(a), 22:1547(C)(1), 22:1545, 22:1550, 22:1554, 22:1678, 22:1708 and 22:1808.8 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 44:69 (January 2018).

### §15509. Licensing Application

A. Every application for an insurance license shall be made on a form required by the commissioner and shall include all such information the commissioner deems necessary to determine compliance with the applicable