State of Louisiana

Executive Department

EXECUTIVE ORDER NUMBER JBE 2016-58

EMERGENCY SUSPENSION OF CERTAIN INSURANCE CODE PROVISIONS

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016;

WHEREAS, due to unprecedented rainfall, portions of southern Louisiana are currently experiencing a flood of historical proportions, with thousands of homes flooded and thousands of peoples being rescued from flooded homes that can only be reached by boat or high water trucks;

WHEREAS, the flooding poses a threat to citizens, businesses, and communities across Southern Louisiana and has created conditions which place lives, livelihoods, and property in a state of jeopardy;

WHEREAS, the enormity of the current and impending crisis has forced thousands of people to evacuate their homes and in many cases will cause a significant interruption of residency in their homes and occupancy of businesses;

WHEREAS, due to the mass disruptions caused and still occurring, Louisiana citizens and businesses may be unable to timely pay their insurance premiums, access their insurance policies, satisfy certain conditions of insurance contracts, and communicate with insurance agents and their respective insurance companies for insurance-related matters, all of which can result in the risk of insurance cancelation and claims denials under ordinary circumstances and will prevent, hinder, and delay necessary action in coping with and recovering from this emergency;

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, Commissioner of Insurance James J. Donelon has advised the Governor that citizens in Louisiana are at risk with regard to any and all kinds of insurance and requested limited transfer of authority to suspend certain provisions of Title 22.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: Commissioner of Insurance James J. Donelon shall have limited transfer of authority from the Governor to suspend provisions of any regulatory statute of Title 22 of the Louisiana Revised Statutes of 1950 concerning the cancellation, termination, nonrenewal, and nonreinstatment provisions of Title 22, including, but not limited to, La. R.S. 22:272, 22:887, 22:1068, 22:977, 22:978, 22:1074, 22:1266, 22:1267, 22:1311, and 22:1335, where such statutory or regulatory requirements prevent, hinder, or delay necessary action in coping with the current emergency, including providing additional time for policyholders to complete existing claims, providing additional time for policyholders to remit premium payments to avoid cancelation of policies, prohibiting cancelations where a policyholder is incapable of fulfilling requirements due to evacuation or inhabitability, and suspending any licensure or similar requirement that might hinder the ability of regulated entities to employ non-Louisiana licensees during the immediate aftermath of the disaster, including claims adjusters or other licensed regulated entities.

SECTION 2: This Order shall not relieve an insured who has a claim caused by this historic flooding, or its aftermath, from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim, or to pay insurance premiums upon termination of the provisions of this Order.

SECTION 3: This Order shall apply retroactively from Friday, August 12, 2016, and shall continue through Monday, September 12, 2016, unless amended, modified, terminated, or rescinded by the Governor prior thereto.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 17th day of August, 2016.

GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

SECRETARY OF STATE