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LEGISLATIVE ACTION

Senate

House

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Floor: WD/RM

05/05/2011 06:46 PM

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Senator Fasano moved the following:

1           **Senate Amendment to Amendment (844961) (with title**  
2 **amendment)**

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4           Delete lines 3049 - 3088  
5 and insert:

6           (a) ~~(b)~~ The insurer may limit its payment to the actual cash  
7 value of the sinkhole loss, which does not include ~~including~~  
8 underpinning or grouting or any other repair technique performed  
9 below the existing foundation of the building, until the  
10 policyholder enters into a contract for the performance of  
11 building stabilization or foundation repairs.

12           (b) After the policyholder enters into the contract, the  
13 insurer shall pay the amounts necessary to begin and perform



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14 such repairs as the work is performed and the expenses are  
15 incurred. The insurer may not require the policyholder to  
16 advance payment for such repairs. If repair covered by a  
17 personal lines residential property insurance policy has begun  
18 and the professional engineer selected or approved by the  
19 insurer determines that the repair cannot be completed within  
20 the policy limits, the insurer must ~~either~~ complete the  
21 professional engineer's recommended repair or tender the policy  
22 limits to the policyholder without a reduction for the repair  
23 expenses incurred.

24 (c) The stabilization and all other repairs to the  
25 structure and contents must be completed within 12 months after  
26 entering into the contract for repairs described in paragraph

27 (b) unless:

28 1. There is a mutual agreement between the insurer and the  
29 policyholder;

30 2. The claim is involved with the neutral evaluation  
31 process;

32 3. The claim is in litigation; or

33 4. The claim is under appraisal or mediation.

34 (d) ~~(e)~~ Upon the insurer's obtaining the written approval

35  
36 ===== T I T L E A M E N D M E N T =====

37 And the title is amended as follows:

38 Delete lines 3693 - 3694

39 and insert:

40 sinkhole testing by a policyholder; requiring all  
41 repairs to be