

~~OTHER THAN THE HABITABILITY OF THE COVERED PROPERTY LESS THAN 12 MONTHS IS VOID AND UNENFORCEABLE.~~

(C) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER MAY REQUIRE AN INSURER TO PROVIDE COVERAGE FOR ADDITIONAL LIVING EXPENSES UNDER A POLICY OF HOMEOWNER'S, FIRE, FARMOWNER'S, OR DWELLING INSURANCE FOR UP TO 24 MONTHS IF THE COMMISSIONER FINDS THAT COVERED PROPERTY REMAINS UNINHABITABLE DUE TO DELAYS IN REPAIR OR REPLACEMENT CAUSED:

(1) BY THE INSURER; OR

(2) BY FACTORS BEYOND THE CONTROL OF THE INSURED.

~~(C)~~ (D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

(1) PROHIBIT OR PREVENT THE ENFORCEMENT OF A MONETARY LIMIT OF LIABILITY FOR ADDITIONAL LIVING EXPENSES UNDER A POLICY OF HOMEOWNER'S, FIRE, FARMOWNER'S, OR DWELLING INSURANCE;

(2) PROHIBIT AN INSURER FROM DENYING COVERAGE FOR ADDITIONAL LIVING EXPENSES IF THE CARRIER DETERMINES THAT AT THE TIME THE ADDITIONAL LIVING EXPENSES WERE INCURRED THE COVERED PROPERTY WAS NOT UNFIT TO LIVE IN; OR

(3) PROHIBIT AN INSURER FROM DENYING COVERAGE FOR ADDITIONAL LIVING EXPENSES ON THE GROUNDS THAT THE COVERED PROPERTY WAS UNFIT TO LIVE IN AT THE TIME THAT THE ADDITIONAL LIVING EXPENSES WERE INCURRED BECAUSE OF DELAYS IN REPAIR OR REPLACEMENT CAUSED BY THE INSURED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008.

Approved by the Governor, April 8, 2008.

CHAPTER 96

(House Bill 899)

AN ACT concerning