

# Homeowner insurance rights bill dies

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Long Beach resident Kevin Buckel believed this was the year -- finally -- that the Mississippi Legislature would pass his homeowner- insurance rights bill.

He was wrong.

Buckel had pledges of support for the bill from the governor, speaker of the House, lieutenant governor, commissioner of insurance and numerous others. The bill, authored by Rep. Richard Bennett, R-Long Beach, passed the state House by a whopping 116-3.



Buckel

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But House Bill 449 died Tuesday night in the Senate Insurance Committee after it was tabled. The Senate committee has been the killing ground for Buckel's legislation five of the last six years he's pushed for it -- ever since his insurance company got his dander up by denying his claim when his home got stripped to a slab by Hurricane Katrina.

"It just makes me madder and madder," said Buckel, 49, marketing director for Ship Island Excursions, who, surprisingly, sounded more resigned than mad when he spoke about it Wednesday.

He was already making plans to try again next year.

“It’s been a long road,” Buckel said. “I’m not going to give up. But I can’t do this alone. We need people to go to my website ([msbillofrights.com](http://msbillofrights.com)) and give us their stories of dealing with insurance and where they stand with them this many years after Katrina. We need to educate the people on these legislative committees.”

Citizen Buckel’s legislation began years ago as a comprehensive “Policyholder Bill of Rights,” but under heavy opposition from the insurance lobby, had been pared down to one item: that an insurance company has the burden of proof when it denies a homeowner’s claim that damage was caused by something excluded in coverage.

The bill would simply codify in state law Katrina court rulings that the burden rests with the companies. Buckel said this is needed because insurance companies are liable to fight the battles again in court if there’s another hurricane and courts could reverse the rulings.

Lt. Gov. Tate Reeves, who presides over the Senate, said Wednesday that he supported the bill.

“I supported House Bill 449 and, for the first time ever, the bill had a vote in the Senate Insurance Committee,” Reeves said. “The Committee members voted overwhelmingly to table the bill.”

Senate Insurance Chairman Videt Carmichael, R-Meridian, said he didn’t oppose the bill. But he said the committee, in a voice vote, tabled it, with members noting the measure is already covered by court rulings.

“I really didn’t have a problem with it,” Carmichael said. “But it’s already in common law, the Supreme Court and 5th Circuit upheld it.”

State Insurance Commissioner Mike Chaney said he was “caught off guard” by the bill being tabled and dying.

“We were very open in voicing our support for the bill,” Chaney said. “I agree that this is already in court rulings -- so we’ve got some protections -- but I would prefer this be in state statute. We really haven’t had a lot of pushback from the industry on it this year.”

Buckel said he doesn’t consider the tabling to be the real committee vote he wanted on the issue.

“I am lost for words on how legislation that would improve homeowner rights cannot get a vote in the Senate Insurance Committee for six years,” Buckel said in a letter to Carmichael and others. “... The insurance industry has a proven track record of creating ways to stall and deny claims, and you have an obligation to help us recover after our loss ... By adopting the court ruling into law you will allow homeowners to receive swifter justice if their claim is unfairly denied.”

Read more here: <http://www.sunherald.com/2012/04/04/3863939/homeowner-insurance-rights-bill.html#storylink=cpy>