

Insurance bill likely to die, despite local man's best efforts

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Long Beach resident Kevin Buckel made his annual trip to the state Capitol last week to pitch insurance legislation and he returned with a sinking feeling the measure won't go anywhere again this year.

Buckel, who lost his home to Hurricane Katrina and had his insurance claim denied, has been pushing for legislation in the years since the August 2005 storm. This year, Senate Bill 2225, which Buckel pushed, is facing a Tuesday deadline to clear to the Senate Insurance and Judiciary A committees.

Similar bills Buckel has backed have died without a vote, often meeting their fate in the Senate Insurance Committee.

"I think it's shameful the people can't get a vote in the Senate Insurance Committee," Buckel said.

The bill says in civil actions against property and casualty insurers who have issued an "all perils" coverage policy, the burden of proof is on the insurer to prove an exclusion in the policy applies to the claim or loss at issue. It calls for the insurer to provide "a preponderance of evidence" an exclusion applies.

Sen. Sean Tindell, R-Gulfport, one of the authors of Buckel's measure, said he's hopeful it will get a vote in committee. He wants to meet with Senate Insurance Committee Chairman Videt Carmichael, R-Meridian, about the bill ahead of the deadline. Carmichael couldn't be reached for comment.

The bill faces an uphill battle. Tindell says the insurance industry opposes it.

"There are certain groups that would like to see it not get out of committee," Tindell said. "It is legislation some of them do not want."

Tindell said the bill doesn't do anything drastic. Rather, it puts into law what courts have already concluded on the issue of the burden of proof. When asked why the law should be made giving the existing rulings on the issue, Tindell said "case law can change with the stroke of the pen at any time."

Buckel made the pitch to the committee last week in Jackson, and returned home with the feeling his bill wouldn't live past Tuesday. As a result, he's already decided that if the measure doesn't

make it again this year, he may become a registered lobbyist and begin raising money for ad campaigns.

He says he'll take out ads in the hometown newspapers of the committee members explaining his side of the story on the insurance bills.

"I'm not giving up and I'm not going to be defeated," Buckel said.