AN ACT

To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the application of certain insurance coverages to an insured when operating a vehicle not owned by the insured; to provide certain requirements for such coverages to apply to the insured's conduct; to provide for a determination as to which insurance is primary; to provide legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1296.1 is hereby enacted to read as follows:

§1296.1. Coverage for drivers of non-owned vehicles; requirements

A. An approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments coverage shall not exclude the benefits of such coverage under its policy to an insured operating a vehicle not owned by the insured if all of the following requirements are satisfied:

(1) The coverage is in full force and effect.

(2) The insured is operating a vehicle not owned by the insured with the express or implied permission of the vehicle's owner.

(3) The vehicle not owned by the insured that is being operated by the insured is not provided, furnished, or available to the insured on a regular basis.

B. Coverage provided pursuant to this Section shall be secondary to the vehicle owner's insurance policy.

C. If the coverage provided pursuant to this Section is included within the coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296 shall determine which coverage is primary.
Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28, 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver's negligent operation of a vehicle not owned by the insured is covered under the conditions addressed by R.S. 22:1296.1.