

2025 Regular Session

HOUSE BILL NO. 434

BY REPRESENTATIVES DEWITT, CARLSON, CHENEVERT, EDMONSTON, EGAN,
FIRMMENT, GLORIOSO, MIKE JOHNSON, MELERINE, TURNER, AND WYBLE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/DAMAGES: Provides relative to recovery limitations for failure to maintain compulsory motor vehicle liability security

1 AN ACT

2 To amend and reenact R.S. 32:866(A)(1), (C), and (F), relative to the recovery for certain
3 damages; to provide a limitation of recovery under certain circumstances; to require
4 automobile insurance to recover certain damages; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:866(A)(1), (C), and (F) are hereby amended and reenacted to read
7 as follows:

8 §866. Compulsory motor vehicle liability security; failure to comply; limitation of
9 damages

10 A.(1) There shall be no recovery for the first ~~fifteen~~ one hundred thousand
11 dollars of bodily injury and no recovery for the first ~~twenty-five~~ one hundred
12 thousand dollars of property damage based on any cause or right of action arising out
13 of a motor vehicle accident, for such injury or damages occasioned by an owner or
14 operator of a motor vehicle involved in such accident who fails to own or maintain
15 compulsory motor vehicle liability security.

16 * * *

17 C. If the owner of a motor vehicle, who fails to own or maintain compulsory
18 motor vehicle liability security, institutes an action to recover damages in any
19 amount, regardless of whether such owner or operator is at fault, and is awarded an

1 amount equal to or less than ~~the minimum amount of compulsory motor vehicle~~
2 ~~liability security~~ one hundred thousand dollars of bodily injury, then such owner or
3 operator shall be assessed and held liable for all court costs incurred by all parties to
4 the action.

5 * * *

6 F.(1) Notwithstanding any provision of law to the contrary, no insurer shall
7 lose any rights of subrogation for claims paid under the applicable insurance policy
8 for the recovery of any sum in excess of the first ~~fifteen~~ one hundred thousand
9 dollars of bodily injury and the first ~~twenty-five~~ one hundred thousand dollars of
10 property damages.

11 (2) In claims where no suit is filed, the claimant's insurer shall have all rights
12 to recover any amount paid by the claimant's insurer on behalf of the insured for the
13 recovery of any sum in excess of the first ~~fifteen~~ one hundred thousand dollars of
14 bodily injury and the first ~~twenty-five~~ one hundred thousand dollars of property
15 damages.

16 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 434 Engrossed 2025 Regular Session Dewitt

Abstract: Creates a limitation on recovery of certain damages if a driver does not have automobile insurance.

Present law provides that there shall be no recovery for the first \$15,000 of bodily injury.

Proposed law changes present law and provides that there shall be no recovery for the first \$100,000 of bodily injury.

Present law provides that there shall be no recovery for the first \$25,000 of property damage.

Proposed law changes present law and provides that there shall be no recovery for the first \$100,000 of property damage.

Present law provides that if an owner who fails to maintain compulsory motor vehicle liability security institutes an action to recover damages and is awarded an amount equal to the minimum amount of compulsory motor vehicle security, the owner or operator shall be assessed and held liable for all court costs.

Proposed law retains present law, in part, and provides that if an owner is awarded an amount equal to or less than \$100,000 of bodily injury, the owner or operator shall be assessed and held liable for all costs.

Present law provides that no insurer shall lose subrogation rights for claims paid under the applicable insurance policy for recovery in excess of the first \$15,000 of bodily injury and the first \$25,000 of property damages.

Proposed law changes present law and provides the recovery shall not be in excess of the first \$100,000 of bodily injury and property damages.

Present law provides that in claims where no suit is filed, the insurer shall have all right to recover any amount paid for the recovery in excess of the first \$15,000 dollars of bodily injury and the first \$25,000 of property damages.

Proposed law changes present law and provides the recovery shall not be in excess of the first \$100,000 of bodily injury and property damages.

(Amends R.S. 32:866(A)(1), (C), and (F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Provide that no insurer shall lose subrogation rights for claims paid under the applicable insurance policy for recovery in excess of the first one hundred thousand dollars of bodily injury and property damages.
3. Provide that in claims where no suit is filed, the insurer shall have all right to recover any amount paid for the recovery in excess of the first one hundred thousand dollars of bodily injury and property damages.