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## DIGEST

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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.