

2017 Regular Session

SENATE BILL NO. 45

BY SENATOR JOHN SMITH

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

INSURANCE POLICIES. Provides relative to the definition of ocean marine insurance.
(8/1/17)

1 AN ACT
2 To amend and reenact R.S. 22:2055(13) and to enact R.S. 22:46(19), relative to the
3 definition of ocean marine insurance; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 22:46(19) is hereby enacted to read as follows:

6 §46. General Definitions

7 In this Code, unless context otherwise requires, the following definitions are
8 applicable:

9 * * *

10 **(19) "Ocean marine insurance" means marine insurance as defined in**
11 **R.S. 22:47(13), except for inland marine, as well as any other form of insurance,**
12 **regardless of the name, label, or marketing designation of the insurance policy,**
13 **which insures against maritime perils or risks and other related perils or risks,**
14 **which are usually insured against by traditional marine insurances such as hull**
15 **and machinery, marine builders' risks, and marine protection and indemnity.**
16 **Such perils and risks insured against include without limitation loss, damage,**
17 **or expense or legal liability of the insured for loss, damage, or expense arising**

1 out of or incident to ownership, operation, chartering, maintenance, use, repair,
 2 or construction of any vessel, craft, or instrumentality in use in ocean or inland
 3 waterways, including liability of the insured for personal injury, illness, or
 4 death or for loss of or damage to the property of the insured or another person,
 5 except this definition shall not include insurance on vessels under five tons gross
 6 weight. Ocean marine insurance as defined in this Section is subject to R.S.
 7 22:1269.

8 Section 2. R.S. 22:2055(13) is hereby amended and reenacted to read as follows:

9 §2055. Definitions

10 As used in this Part:

11 * * *

12 (13) "Ocean marine insurance" ~~includes marine insurance as defined in R.S.~~
 13 ~~22:47(13), except for inland marine, as well as any other form of insurance,~~
 14 ~~regardless of the name, label, or marketing designation of the insurance policy,~~
 15 ~~which insures against maritime perils or risks and other related perils or risks, which~~
 16 ~~are usually insured against by traditional marine insurances such as hull and~~
 17 ~~machinery, marine builders' risks, and marine protection and indemnity. Such perils~~
 18 ~~and risks insured against include without limitation loss, damage or expense or legal~~
 19 ~~liability of the insured for loss, damage, or expense arising out of or incident to~~
 20 ~~ownership, operation, chartering, maintenance, use, repair or construction of any~~
 21 ~~vessel, craft or instrumentality in use in ocean or inland waterways, including~~
 22 ~~liability of the insured for personal injury, illness or death or for loss of or damage~~
 23 ~~to the property of the insured or another person, except this definition shall not~~
 24 ~~include insurance on vessels under five tons gross weight~~ **shall have the same**
 25 **meaning as that term is defined in R.S. 22:46(19).**

26 * * *

The original instrument was prepared by Cheryl Cooper. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

SB 45 Reengrossed 2017 Regular Session John Smith

Present law defines ocean marine insurance relative to Louisiana Insurance Guaranty Association Law.

Proposed law makes the definition of ocean marine insurance contained in present law applicable to all of the insurance code.

Proposed law includes the provisions of the Direct Action Statute as stated in present law in the definition of ocean marine insurance.

Effective August 1, 2017.

(Amends R.S. 22:2055(13); adds R.S. 22:46(19))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Includes the Direct Action Statute in the definition of ocean marine insurance.

Senate Floor Amendments to engrossed bill

1. Adds a technical amendment for clarity purposes.