

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 184

2017 Regular Session

Luneau

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

AUTOMOBILE INSURANCE. Provides for removal of an offset or credit against uninsured motorist coverage when the carrier is insolvent. (8/1/17)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provides that one is not required to exhaust claims against uninsured or underinsured motorist coverage prior to filing a claim with the Louisiana Insurance Guaranty Association.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

SB 184 Engrossed

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Present law requires any person having a claim against an insurer to first exhaust all coverage provided by any other policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same set of facts, injury, or loss giving rise to the covered claim against the Louisiana Insurance Guaranty Association. Provides that this requirement to exhaust applies without regard to whether the other insurance policy is written by a member insurer. Further provides that no one is required to exhaust any right under the policy of an insolvent insurer or right under a life insurance policy or annuity.

Proposed law retains these provisions but adds a provision that one's own uninsured or underinsured motorist coverage is not included in the coverage requirement that "one must exhaust all coverage under any other policy" before making a claim to the Association.

Present law requires any amount payable on a covered claim by the Association to be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy as provided in present law. Requires the association and the insured to receive a full credit for the total recovery.

Proposed law excludes uninsured and underinsured motorists policies from the full credit requirement for the total recovery.

Effective August 1, 2017.

(Adds R.S. 22:2062(A)(1) and (2)(c))

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