

SENATE BILL NO. 184

BY SENATOR LUNEAU

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

1 AN ACT

2 To amend and reenact R.S. 22:2062(A)(1) and to enact R.S. 22:2062(A)(2)(c), relative to the
3 Louisiana Insurance Guaranty Association; to provide with respect to the exhaustion
4 of other coverage; to provide for the exclusion of a credit against uninsured and
5 underinsured motorist policies upon the insolvency of the insurer; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:2062(A)(1) is hereby amended and reenacted and R.S.
9 22:2062(A)(2)(c) is hereby enacted to read as follows:

10 §2062. Exhaustion of other coverage

11 A.(1) Any person having a claim against an insurer shall be required first to
12 exhaust all coverage provided by any other policy **other than his own uninsured**
13 **or underinsured motorist policy**, including the right to a defense under the other
14 policy, if the claim under the other policy arises from the same facts, injury or loss
15 that gave rise to the covered claim against the association. The requirement to
16 exhaust shall apply without regard to whether or not the other insurance policy is a
17 policy written by a member insurer. However, no person shall be required to exhaust
18 any right under the policy of an insolvent insurer or any right under a life insurance
19 policy or annuity.

20 (2) Any amount payable on a covered claim under this Part shall be reduced
21 by the full applicable limits stated in the other insurance policy, or by the amount of
22 the recovery under the other insurance policy as provided herein. The association and
23 the insured shall receive a full credit for the stated limits, unless the claimant
24 demonstrates that the claimant used reasonable efforts to exhaust all coverage and

1 limits applicable under the other insurance policy. If the claimant demonstrates that
2 the claimant used reasonable efforts to exhaust all coverage and limits applicable
3 under the other insurance policy, or if there are no applicable stated limits under the
4 policy, the association and the insured shall receive a full credit for the total
5 recovery.

6 * * *

7 (c) The provisions of this Paragraph shall not apply to uninsured or
8 underinsured motorist policies.

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PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____