

2018 Regular Session

SENATE BILL NO. 222

BY SENATOR LAMBERT

AUTOMOBILE INSURANCE. Provides an insurance premium discount for members of the Louisiana National Guard who have not been activated. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 22:1482, relative to military personnel premium discounts and
3 rebates; to provide with respect to an automobile insurance discount for members of
4 the Louisiana National Guard; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1482 is hereby amended and reenacted to read as follows:

7 §1482. Military personnel premium discount; refunds; rebates

8 A.~~(1)~~ Beginning on July 1, 2006, and thereafter, every motor vehicle insurer
9 authorized to transact business in this state shall provide to active military personnel
10 based in this state a discount of twenty-five percent of the premium on any
11 automobile liability insurance policy purchased in this state to cover motor vehicles
12 owned by such military personnel.

13 (2) Beginning August 1, 2018, and thereafter, every motor vehicle insurer
14 authorized to transact business in this state shall provide to each member of the
15 Louisiana National Guard who is not eligible for the discount provided for in
16 Paragraph (1) of this Subsection, a discount of twelve and one-half percent of
17 the premium on any personal automobile liability insurance policy purchased

1 in this state to cover motor vehicles owned by the member of the Louisiana
2 National Guard.

3 B.(1) Insurers providing the discount authorized by **Paragraph (A)(1)** of this
4 Section ~~to active military personnel~~ shall be entitled to a credit that shall be applied
5 toward the premium taxes imposed under R.S. 22:838 and 831 in an amount equal
6 to the discount actually provided. To the extent an insurer's credit authorized in this
7 Section **Subsection** exceeds the insurer's premium tax liability, the amount of credit
8 not used to offset premium taxes due shall be considered overpaid taxes and shall be
9 refundable to the insurer, without interest. Such insurers shall submit to the
10 commissioner of insurance the documents, evidence, and proof required, in
11 accordance with the rules and regulations adopted by the commissioner, to establish
12 the discounts actually provided.

13 **(2) Insurers providing the discount authorized by Paragraph (A)(2) of**
14 **this Section shall be entitled to a rebate from the state in an amount equal to the**
15 **discount actually provided. Such insurers shall submit to the commissioner of**
16 **insurance the documents, evidence, and proof required, in accordance with the**
17 **rules and regulations adopted by the commissioner, to establish the discounts**
18 **actually provided. Upon approval, the commissioner shall issue a warrant upon**
19 **the state treasurer in favor of the insurer for payment of the amount approved.**

20 C. The commissioner of insurance shall adopt rules and regulations, in
21 accordance with the Administrative Procedure Act, to implement the provisions of
22 this Section. The rules and regulations shall include and not be limited to the
23 following:

24 (1) Provisions defining and delineating ~~active~~ military personnel who may
25 receive the ~~discount~~ **discounts**.

26 (2) Recordkeeping requirements for the insurers.

27 (3) Procedures for submitting claims for premium tax credits **and rebates**.

28 (4) A listing of the documents, evidence, and proof necessary to establish a
29 valid claim.

1 (5) Time requirements and limitations for the submission of a claim,
 2 examination of the claim, ~~and~~ a final decision by the commissioner, **and the**
 3 **issuance of a warrant, if applicable.**

4 (6) Other such provisions necessary for the proper implementation of this
 5 Section.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 222 Engrossed

2018 Regular Session

Lambert

Present law requires every motor vehicle insurer authorized to transact business in this state to provide to active military personnel based in this state a discount of 25% of the premium on any automobile liability insurance policy purchased in this state to cover motor vehicles owned by active military personnel.

Proposed law retains present law and requires every motor vehicle insurer authorized to transact business in this state to provide members of the Louisiana National Guard based in this state and not eligible for the discount in present law a discount of 12.5% of the premium on any automobile liability insurance policy purchased in this state to cover motor vehicles owned by members of the Louisiana National Guard.

Present law provides a credit to insurers providing a discount pursuant to present law that shall be applied towards the premium taxes in an amount equal to the discount actually provided. Provides for unused credit to be refunded to the insurer.

Proposed law retains present law.

Proposed law provides that insurers providing the discount authorized by proposed law shall be entitled to a rebate from the state in an amount equal to the discount actually provided. Provides for submission to the commissioner of insurance the documents, evidence, and proof required, in accordance with the rules and regulations adopted by the commissioner, to establish the discounts actually provided. Provides that upon approval, the commissioner shall issue a warrant upon the state treasurer in favor of the insurer for payment of the amount approved.

Present law requires the commissioner of insurance to adopt rules and regulations, in accordance with the Administrative Procedure Act, to implement present law.

Proposed law retains present law.

Effective August 1, 2018.

(Amends R.S. 22:1482)