

RÉSUMÉ DIGEST

ACT 132 (HB 370)

2018 Regular Session

Talbot

New law defines "delivered by electronic means" and "party".

New law authorizes an insurer to deliver, store, or present any notice to a party or any other document required by law in an insurance transaction or that is to serve as evidence of insurance coverage by electronic means if the electronic means meets the requirements of the Louisiana Uniform Electronic Transactions Act.

New law requires the party to affirmatively consent electronically in a manner that reasonably demonstrates that the party can access information in the electronic form that will be used for notices or documents delivered by electronic means to which the party has given consent.

New law requires the insurer to provide the party, prior to consent being given, a clear and conspicuous statement informing the party of all of the following:

- (1) The hardware and software requirements for access to and retention of a notice or document delivered by electronic means.
- (2) The types of notices and documents to which the party's consent would apply.
- (3) The right of the party to withdraw consent to have a notice or document delivered by electronic means, at any time, and any conditions or consequences imposed in the event consent is withdrawn.
- (4) The procedures a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update the party's electronic mail address.
- (5) The right of a party to have a notice or document delivered, upon request, in paper form.

New law requires an insurer to take all measures reasonably calculated to ensure that delivery by electronic means results in receipt of the notice or document by the party.

New law provides for the applicability of new law.

New law provides for the withdrawal of consent by a party.

New law requires an alternative method of delivery if either of the following occurs:

- (1) The insurer attempts to deliver the notice or document by electronic means and has a reasonable basis for believing that the notice or document has not been received by the party.
- (2) The insurer becomes aware that the electronic mail address provided by the party is no longer valid.

New law limits the civil liability of an insurance producer for any harm or injury that occurs because of a party's election to receive any notice or document by electronic means or by an insurer's failure to deliver or a party's failure to receive a notice or document by electronic means.

Effective August 1, 2018.

(Adds R.S. 22:2461-2469)