2022 Regular Session

HOUSE BILL NO. 1005

BY REPRESENTATIVES LARVADAIN, COX, JORDAN, AND PHELPS

INSURERS: Provides for surety insurance

1	AN ACT		
2	To amend and reenact R.S. 22:47(14) and (18), relative to surety insurance; to repeal a		
3	prohibition against private deposit insurance in excess of that provided by certain		
4	insurers; to provide for excess share insurance; to reclassify certain forms of surety		
5	insurance; to provide for licensure; to provide for effectiveness; and to provide for		
6	related matters.		
7	Be it enacted by the Legislature of Louisiana:		
8	Section 1. R.S. 22:47(14) and (18) are hereby amended and reenacted to read as		
9	follows:		
10	§47. Kinds of insurance		
11	Insurance shall be classified as follows:		
12	* * *		
13	(14) Miscellaneous. Any other kind of loss, damage, or liability properly the		
14	subject of insurance and not within any other kind or kinds of insurance as defined		
15	in this Section, if such insurance is not contrary to law or public policy. However,		
16	no person or insurer may offer primary deposit insurance, except the Federal Deposit		
17	Insurance Corporation or National Credit Union Administration, or any similar		
18	insurance corporation hereinafter created by the Congress of the United States or the		
19	legislature of any state for deposits in banks, savings and loan associations, savings		
20	banks, credit unions, finance operations, or similar institutions. Notwithstanding the		

Page 1 of 4

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1	provisions of this Paragraph, an insurance corporation or other similar person may		
2	be licensed to offer excess share insurance to provide coverage for an amount		
3	established by policy above those amounts insured by the National Credit Union		
4	Administration and if licensed, may offer such excess share insurance to any credit		
5	union in this state. Notwithstanding the provisions of this Paragraph, an insurance		
6	corporation or other similar person may be licensed to offer excess deposit insurance		
7	to provide coverage for an amount established by policy above those amounts		
8	insured by the Federal Deposit Insurance Corporation and if licensed, may offer such		
9	excess deposit insurance to any bank, savings and loan association, or savings bank		
10	operating in this state.		
11	* * *		
12	(18) Surety. A contract whereby one becomes a surety or guarantor for the		
13	performance of any person of any lawful obligation, undertaking, agreement, or		
14	contract of any kind, except contracts or policies of insurance; or guaranteeing		
15	against loss or damage resulting from failure of debtors to pay their obligations to		
16	the insured; and underwriting blanket bonds ; however, no insurer, except the Federal		
17	Deposit Insurance Corporation, the National Credit Union Administration, or any		
18	similar insurance corporation hereinafter created by the Congress of the United		
19	States or the legislature of any state shall insure deposits in banks, savings and loan		
20	associations, credit unions, finance operations, or similar institutions.		
21	* * *		
22	Section 2. This Act shall become effective upon signature by the governor or, if not		
23	signed by the governor, upon expiration of the time for bills to become law without signature		
24	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If		
25	vetoed by the governor and subsequently approved by the legislature, this Act shall become		
26	effective on the day following such approval.		

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 1005 Engrossed	2022 Regular Session	Larvadain
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Abstract: Provides for surety insurance and repeals provisions against insurance of certain deposits.

<u>Present law</u> provides that surety insurance is a contract whereby one becomes a surety or guarantor for the performance of any person of any lawful obligation, undertaking, agreement, or contract of any kind, except contracts or policies of insurance; or guaranteeing against loss or damage resulting from failure of debtors to pay their obligations to the insured; and underwriting blanket bonds.

Proposed law retain present law.

<u>Present law</u> provides that no insurer, except the Federal Deposit Insurance Corporation (FDIC), the National Credit Union Administration (NCUA), or any similar insurance corporation hereinafter created by the Congress of the United States or the legislature of any state shall insure deposits in banks, savings and loan associations, credit unions, finance operations, or similar institutions.

<u>Proposed law</u> repeals <u>present law</u> and prohibits persons and insurers from offering primary deposit insurance, except the FDIC or the NCUA, or any similar insurance corporation hereinafter created by the Congress of the United States or the legislature of any state for deposits in banks, savings and loan associations, savings banks, credit unions, finance operations, or similar institutions.

<u>Proposed law</u> provides that an insurance corporation may be licensed to offer excess shares insurance to provide coverage for an amount above the amount insured by the NCUA, and if licensed, may offer such coverage.

<u>Proposed law</u> provides that an insurance corporation may be licensed to offer excess deposit insurance to provide coverage for an amount above the amount insured by the FDIC, and if licensed, may offer such coverage.

Effective upon signature of the governor.

(Amends R.S. 22:47(14) and (18))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Insurance</u> to the <u>original</u> bill:
- 1. Make technical changes.
- 2. Prohibit persons and insurers from offering primary deposit insurance, except the FDIC or the NCUA, for deposits in banks, savings and loan associations, savings banks, credit unions, finance operations, or similar institutions.
- 3. Provide that an insurance corporation may be licensed to offer excess shares insurance to provide coverage for an amount above the amount insured by the NCUA, and if licensed, may offer such coverage.

Page 3 of 4

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HLS 22RS-2033

- 4. Provide that an insurance corporation may be licensed to offer excess deposit insurance to provide coverage for an amount above the amount insured by the FDIC, and if licensed, may offer such coverage.
- 5. Change the effective date from the default effective date to upon signature of the governor.