

SENATE BILL NO. 117

BY SENATOR LUNEAU

1 AN ACT

2 To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the application of
3 certain insurance coverages to an insured when operating a vehicle not owned by the
4 insured; to provide certain requirements for such coverages to apply to the insured's
5 conduct; to provide for a determination as to which insurance is primary; to provide
6 legislative intent; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1296.1 is hereby enacted to read as follows:

9 **§1296.1. Coverage for drivers of non-owned vehicles; requirements**

10 **A. An approved insurance company, reciprocal or exchange, writing**
11 **automobile liability, uninsured, underinsured, or medical payments coverage**
12 **shall not exclude the benefits of such coverage under its policy to an insured**
13 **operating a vehicle not owned by the insured if all of the following requirements**
14 **are satisfied:**

15 **(1) The coverage is in full force and effect.**

16 **(2) The insured is operating a vehicle not owned by the insured with the**
17 **express or implied permission of the vehicle's owner.**

18 **(3) The vehicle not owned by the insured that is being operated by the**
19 **insured is not provided, furnished, or available to the insured on a regular basis.**

20 **B. Coverage provided pursuant to this Section shall be secondary to the**
21 **vehicle owner's insurance policy.**

22 **C. If the coverage provided pursuant to this Section is included within**
23 **the coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296**
24 **shall determine which coverage is primary.**

1 Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct
2 response to the Louisiana Supreme Court decision in *Calvin Landry & Mary Landry v.*
3 *Progressive Security Insurance Company, et al.*, Docket Number 2021-C-00621 (January
4 28, 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act
5 to clearly establish that under Louisiana law, automobile insurance liability coverage related
6 to a defendant driver's negligent operation of a vehicle not owned by the insured is covered
7 under the conditions addressed by R.S. 22:1296.1.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____