
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Reese to Engrossed Senate Bill No. 499 by Senator Reese

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" insert "the introductory paragraph of R.S. 22:1295 and"

3 AMENDMENT NO. 2

4 On page 1, line 3, after "1296(B) and" delete the remainder of the line and insert the
5 following:

6 "to enact R.S. 22:1295(7), relative to"

7 AMENDMENT NO. 3

8 On page 1, line 4, delete "to repeal" and on line 5, delete the line, and insert the following:

9 "to provide an exception to uninsured motorist coverage; to make"

10 AMENDMENT NO. 4

11 On page 1, line 8, after "Section 1." insert "The introductory paragraph of R.S. 22:1295, and"

12 AMENDMENT NO. 5

13 On page 1, line 9, after "reenacted" insert the following:

14 "and R.S. 22:1295(7) is hereby enacted"

15 AMENDMENT NO. 6

16 On page 1, line 12, after "state" insert "**except for under commercial automobile**
17 **insurance policies**"

18 AMENDMENT NO. 7

19 On page 1, delete lines 13 through 17, and delete pages 2, and 3, and on page 4, delete line
20 1, and insert the following:

21
22 "1)(a)(i) No automobile liability insurance covering liability
23 arising out of the ownership, maintenance, or use of any motor vehicle
24 shall be delivered or issued for delivery in this state with respect to any
25 motor vehicle designed for use on public highways and required to be
26 registered in this state or as provided in this Section unless coverage is
27 provided therein or supplemental thereto, in not less than the limits of
28 bodily injury liability provided by the policy, under provisions filed
29 with and approved by the commissioner of insurance, for the protection
30 of persons insured thereunder who are legally entitled to recover
31 nonpunitive damages from owners or operators of uninsured or
32 underinsured motor vehicles because of bodily injury, sickness, or
33 disease, including death resulting therefrom; however, the coverage
34 required under this Section is not applicable when any insured named
35 in the policy either rejects coverage, selects lower limits, or selects
36 economic-only coverage, in the manner provided in Item (1)(a)(ii) of
37 this Section.

1 (ii) Such rejection, selection of lower limits, or selection of
 2 economic-only coverage shall be made only on a form prescribed by the
 3 commissioner ~~of insurance~~. The prescribed form shall be provided by the
 4 insurer and signed by the named insured or his legal representative. The form
 5 signed by the named insured or his legal representative which initially rejects
 6 ~~such the~~ coverage, selects lower limits, or selects economic-only coverage
 7 shall be conclusively presumed to become a part of the policy or contract
 8 when issued and delivered, irrespective of whether physically attached
 9 thereto. A properly completed and signed form creates a rebuttable
 10 presumption that the insured knowingly rejected coverage, selected a lower
 11 limit, or selected economic-only coverage. **In the event the form is not**
 12 **properly completed and signed so that this rebuttable presumption does**
 13 **not apply then there shall be no coverage or modified coverage, as**
 14 **applicable, if it is determined that the insured or his legal representative**
 15 **intended to reject or modify the uninsured coverage.** The form signed by
 16 the insured or his legal representative which initially rejects coverage, selects
 17 lower limits, or selects economic-only coverage shall remain valid for the life
 18 of the policy and shall not require the completion of a new selection form
 19 when a renewal, reinstatement, substitute, or amended policy is issued to the
 20 same named insured by the same insurer or any of its affiliates. An insured
 21 may change the original uninsured motorist selection or rejection on a policy
 22 at any time during the life of the policy by submitting a new uninsured
 23 motorist selection form to the insurer on the form prescribed by the
 24 commissioner ~~of insurance~~. Any changes to an existing policy, regardless of
 25 whether these changes create new coverage, except changes in the limits of
 26 liability, do not create a new policy and do not require the completion of new
 27 uninsured motorist selection forms. For the purpose of this Section, a new
 28 policy shall mean an original contract of insurance which an insured enters
 29 into through the completion of an application on the form required by the
 30 insurer.

31 (iii) This Subparagraph and its requirement for uninsured motorist
 32 coverage shall apply to any liability insurance covering any accident which
 33 occurs in this state and involves a resident of this state.

34 (iv) Notwithstanding any contrary provision of this Section ~~and R.S.~~
 35 ~~22:1406 [Repealed]~~, an automobile liability policy written to provide
 36 coverage for a school bus may limit the scope of uninsured motorist liability
 37 to only provide liability coverage for damages incurred by reason of an
 38 accident or incident involving the school bus, or a temporary substitute
 39 vehicle, and such limitation shall limit the uninsured motorist coverage of a
 40 named insured in the policy to only damages incurred by reason of such
 41 accident or incident."

42 AMENDMENT NO. 8

43 On page 4, between lines 25 and 26, insert the following:

44 **"(7) For commercial automobile insurance policies the insured**
 45 **shall have the option of selecting uninsured motorist coverage on a form**
 46 **promulgated by the commissioner. If there is no selection of uninsured**
 47 **motorist coverage on the form provided to the insured and no payment**
 48 **of premium that includes this coverage, then it shall be presumed that**
 49 **no uninsured motorist coverage was selected for that policy or contract**
 50 **and the provisions of this Section shall not apply.**

51 * * *

52 AMENDMENT NO. 9

53 On page 5, delete line 3