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 DIGEST

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SB 499 Reengrossed

2024 Regular Session

Reese

Present law requires an insurer to automatically provide uninsured motorist liability coverage unless the insured rejects the coverage.

Present law requires the commissioner of insurance to create a form for uninsured motorist coverage. Provides that if the insured or his legal representative does not reject or select uninsured motorist coverage, the named insured is automatically covered for uninsured motorist coverage.

Proposed law retains present law.

Present law removes uninsured motorist requirements when the named insured selects on the form lower limits in connection with a policy previously issued to him.

Proposed law retains present law.

Proposed law provides that if the form is signed but not properly completed to create a rebuttable presumption that the insured knowingly rejected coverage, then uninsured motorist coverage or modified uninsured motorist coverage will not be provided, as applicable, if it is determined that the insured intended to reject or modify the uninsured motorist coverage.

Present law provides uninsured motorist physical damage coverage.

Proposed law retains present law.

Present law provides that a motor vehicle liability policy written to provide coverage for a school bus may limit the scope of uninsured motorist coverage.

Proposed law retains present law.

Present law requires insurers to offer uninsured motorist coverage and authorizes the insurer to offer an optional arbitration provision. Provides that courts cannot be deprived of jurisdiction pursuant to present law.

Proposed law retains present law but makes technical changes.

Present law authorizes exemption of a rental company from the requirement to offer uninsured motorist coverage which is required to be offered under present law.

Proposed law retains present law.

Proposed law provides an exception for commercial automobile insurance policies. Authorizes the insured to select uninsured motorist coverage with respect to commercial policies. Provides that if there is no selection of uninsured motorist coverage on the form provided to the insured and no payment of premium that includes the coverage, it will be presumed that uninsured motorist coverage was not elected for that policy or contract.

(Amends R.S. 22:1295(intro. para.), 1295(1)(a) and (e), (4), and (5) and 1296(B)(intro. para.); Adds R.S. 22:1295(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Make technical changes.
2. Change the uninsured motorist requirement from shall to if elected.
3. Remove uninsured motorist requirements when the named insured selects lower limits in connection with a policy previously issued to him.

Senate Floor Amendments to engrossed bill

1. Make technical changes.
2. Change proposed law uninsured motorist requirements from if elected to a rebuttable presumption of declining coverage for personal automobile insurance.
3. Excepts commercial automobile insurance policies from the uninsured motorist requirements.
4. Restores present law regarding uninsured motorist coverage.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the reengrossed bill:

1. Remove and modify language regarding the exception for commercial automobile insurance policies.
2. Clarify intent of the rebuttable presumption regarding circumstances when the uninsured motorist form is signed but not properly completed.
3. Make technical changes.