

2025 Regular Session

SENATE BILL NO. 170

BY SENATOR ALLAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AUTOMOBILE INSURANCE. Provides relative to auto insurance. (8/1/25)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

AN ACT

To amend and reenact R.S. 22:1261, 1281, 1282, 1283(A), 1284(A), 1284.1(A) and (D), 1285, 1286, 1288(A), 1289, 1289.1, and 1292(A) and (B), relative to automobile insurance; to provide for automobile insurance; to provide for the regulation of automobile insurance; to provide for the operation of automobile insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1261, 1281, 1282, 1283(A), 1284(A), 1284.1(A) and (D), 1285, 1286, 1288(A), 1289, 1289.1, and 1292(A) and (B) are hereby amended and reenacted to read as follows:

§1261. Renewal of policy; increase in premiums prohibited

A. ~~Any~~ **An** insurance policy terminating by **it's the policy's** terms at a specified expiration date and not otherwise renewable may be renewed or extended at the option of the insurer. ~~Such~~ **The** renewal shall be made upon a currently authorized renewal form and at the premium rate then required for a specific additional period or periods by a certificate or by endorsement of the policy, and without requiring the issuance of a new policy.

1 B. ~~No~~ An insurer shall **not** increase the premium charged for an automobile
 2 liability insurance policy at the time of renewal for any insured solely on the grounds
 3 that the insured's policy has lapsed if the policy is renewed within ten days after the
 4 date of termination.

* * *

6 §1281. Standard automobile insurance form

7 The commissioner of insurance may promulgate ~~such~~ any rules and
 8 regulations ~~as~~ necessary to establish reasonable standard provisions to be included
 9 in all policies of automobile insurance delivered or issued for delivery in this state.
 10 All ~~such~~ policies shall be written in language that can be easily understood by most
 11 automobile insurance consumers.

12 §1282. Standard motor vehicle insurance form; prohibited provisions

13 No A motor vehicle liability insurance policy ~~nor any~~ or uninsured motorist
 14 coverage for bodily injury shall **not** limit the coverage of, or the amount that can be
 15 recovered by, the named insured, or the spouse or other family member of the named
 16 insured, or express or implied permissive users, for whom the policy provides
 17 coverage, to any amount less than the highest policy limit provided in the policy for
 18 the respective coverage or potential recovery. Any recovery is limited to damages
 19 actually sustained. Any provision of a motor vehicle insurance policy issued in, or
 20 for delivery in, the state of Louisiana that is not in accord with this Section is
 21 contrary to the public policy of this state and shall be null, void, and unenforceable.

22 §1283. Proof of motorcycle endorsement

23 A. Each person who makes an application for issuance of a policy of
 24 insurance covering a motorcycle shall provide proof of the appropriate license
 25 endorsement required by R.S. 32:408(C). ~~Such~~ **The** proof shall be provided to the
 26 insurer or its producer within ninety days of application for such policy. If the policy
 27 of insurance is issued by an insurer that does not maintain an office in this state, then
 28 the person may submit a sworn affidavit that he has the proper license endorsement
 29 to the insurer.

* * *

§1284. Motor vehicle insurance; consideration of nonfault incidents prohibited

A. ~~No~~ An insurer shall not increase the rate, increase or add a surcharge, cancel, or fail to renew any policy of motor vehicle insurance when such action is based on consideration of one or more nonfault incidents.

* * *

§1284.1. Motor vehicle insurance; consideration of lapse in coverage prohibited

A. ~~No~~ An insurer shall not increase the premium rate or increase or add a surcharge on any policy of motor vehicle insurance when such action is based solely on consideration of a lapse in coverage, as defined in this Section.

* * *

D. Notwithstanding any other provisions of law to the contrary, one or more lapses in coverage, as defined in this Section, shall not be the sole basis for an insurer's denial of an application for a policy of motor vehicle insurance nor shall ~~such~~ the lapse in coverage be considered by an insurer in determining the rates for ~~such~~ a policy. In addition, no insurer shall require that ~~such~~ the coverage be provided by another insurer based solely upon ~~such a~~ the lapse in coverage.

§1285. Automobile insurance policies; refusal to issue or renew; age discrimination

~~No~~ An insurer shall not refuse to issue or renew an automobile insurance policy to any person over the age of sixty-five based upon the age of the insured provided the insured is mentally and physically capable of driving an automobile and possesses a valid Louisiana operator's license issued by the office of motor vehicles of the Louisiana Department of Public Safety and Corrections.

§1286. Automobile insurance policies; increase in premium; age discrimination

~~No~~ An insurer shall not increase the premium charged for an automobile liability insurance policy for any insured solely on the grounds that the insured has attained the age of sixty-five or older.

* * *

§1288. Discrimination in automobile liability insurance prohibited

1 A. ~~No~~ An insurer shall not refuse to issue or renew, increase the premium,
2 or cancel an automobile insurance policy solely because the insured is deaf or hard
3 of hearing, provided ~~such~~ the person is mentally and physically capable of driving
4 an automobile and possesses a valid Louisiana operator's license issued by the office
5 of motor vehicles of the Department of Public Safety and Corrections.

6 * * *

7 §1289. Automobile policies; discrimination against paid or volunteer firemen
8 prohibited

9 ~~No~~ An insurer doing business in this state who issues a personal automobile
10 insurance policy to an insured who is a paid or volunteer fireman shall not charge
11 a higher premium rate, increase or add a surcharge, cancel, or fail to renew a policy
12 for the insured, based solely on the insured's activities as a paid or volunteer fireman.

13 §1289.1. Automobile insurance policies; policy issuance based upon impending
14 weather conditions

15 ~~No~~ An insurer shall not refuse to issue an automobile insurance policy
16 providing collision or comprehensive coverage on a newly purchased motor vehicle,
17 at the time of purchase of the automobile from a duly licensed motor vehicle dealer,
18 to one of the insurer's existing automobile policyholders who is an otherwise
19 qualified purchaser, based solely upon a named tropical storm or hurricane in the
20 Gulf of Mexico.

21 * * *

22 §1292. Towing and storage of motor vehicles; insurance policies; storage fees;
23 exceptions

24 A. A motor vehicle insurance policy shall not be construed to allow an
25 insurer to assume or accede to the legal title of a motor vehicle without assuming
26 credit obligations of the insured owner of the motor vehicle for charges for towing
27 and storage services associated with the incident from which the insurance coverage
28 arises. ~~Such~~ The charges for storage services shall not exceed any maximum charge
29 set by the Public Service Commission pursuant to its legal authority under R.S.

1 45:180.1, or as otherwise provided by law.

2 B. An insurer which has succeeded to the title of a motor vehicle ~~is~~ **shall** not
3 ~~authorized to~~ abandon ~~such~~ **the** vehicle to a towing or storage service without
4 consent of the provider of ~~such~~ **the** service.

5 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

SB 170 Original DIGEST 2025 Regular Session Allain

Present law provides for renewal of automobile policies.

Proposed law retains present law and makes technical changes.

Present law provides for a standard automobile insurance form.

Proposed law retains present law and makes technical changes.

Present law provides for proof of a motorcycle endorsement.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from raising premium rates due to an insured's nonfault accident.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from increasing a premium rate based solely on a lapse in coverage.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from refusing to issue or renew an automobile policy to any person over the age of 65 who is mentally and physically capable of driving an automobile.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from failing to issue or renew an automobile policy solely because the insured is deaf or hard of hearing.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from charging a higher premium rate based solely on an insured's activities as a fireman.

Proposed law retains present law and makes technical changes.

Present law prohibits an insurer from refusing to issue an automobile policy containing collision or comprehensive coverage on a new vehicle based solely upon a named storm in

the Gulf of Mexico.

Proposed law retains present law and makes technical changes.

Present law provides that a motor vehicle insurance policy shall not be construed to allow an insurer to assume or accede to the legal title of a motor vehicle without assuming certain credit obligations of the insured.

Proposed law retains present law and makes technical changes.

(Amends R.S. 22:1261, 1281, 1282, 1283(A), 1284(A), 1284.1(A) and (D), 1285, 1286, 1288(A), 1289, 1289.1, and 1292(A) and (B))