
DIGEST

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HB 765 Engrossed

2026 Regular Session

Freeman

Abstract: Outlines the procedures for asserting coverage defenses and for joining liability insurers as parties in civil actions.

Present law authorizes a direct action against a liability insurer under limited circumstances, prohibits disclosure of insurance coverage to the jury, and establishes notice requirements for insurers asserting coverage defenses.

Proposed law retains present law and establishes a post-verdict procedure allowing a liability insurer to be joined as a party defendant solely for the purposes of entering final judgment or enforcing a settlement when direct action is not otherwise authorized.

Proposed law prohibits joinder if the insurer timely denied coverage or reserved rights in accordance with proposed law unless there has been an adjudication in favor of coverage.

Proposed law requires a plaintiff seeking to join an insurer post-verdict to have first filed a petition to establish coverage and obtained an adjudication in favor of coverage.

Proposed law revises the notice requirements for insurers asserting coverage defenses by:

- (1) Requiring the insurer to provide written notice of reservation of rights to the insured within ninety days after determining the existence of a coverage defense.
- (2) Requiring the insurer, within sixty days thereafter, to provide written notice to all counsel of record that a reservation of rights has been issued and to notify the insured whether the insurer refuses to defend or is providing a defense under a reservation of rights.

Proposed law otherwise retains present law.

(Amends R.S. 22:1269(D)(1)(a) and (E)(2)(intro. para.))