

2015 Regular Session

HOUSE BILL NO. 215

BY REPRESENTATIVE LEBAS

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

INSURANCE COMMISSIONER: Specifies the contents of a notice of wrongful conduct, including showing cause as to why regulatory action should not be taken by the insurance commissioner

1 AN ACT

2 To amend and reenact R.S. 22:2195, relative to the authority of the commissioner of  
3 insurance; to provide relative to a notice of wrongful conduct; to provide for the  
4 contents of the notice, including informing the person of the opportunity to show  
5 cause as to why regulatory action should not be taken; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:2195 is hereby amended and reenacted to read as follows:

9 §2195. ~~Show~~ Notice of wrongful conduct; opportunity to show cause ~~notice~~

10 If any person is entitled to a hearing ~~by~~ pursuant to any provision of this  
11 Code, ~~before any proposed action is taken, the notice of the proposed action may be~~  
12 ~~in the form of a notice to show cause stating that the proposed action may be taken,~~  
13 ~~unless such person shows cause at a hearing to be held as specified in the notice why~~  
14 ~~the proposed action should not be taken, and stating the basis of the proposed action.~~  
15 the commissioner shall issue a notice of wrongful conduct prior to the taking of any  
16 regulatory action. The notice shall contain allegations of fact describing the wrongful  
17 conduct and cite the provisions of law that the commissioner deems to have been  
18 violated. The notice shall also inform the person of the opportunity to show cause,  
19 in a manner specified in the notice, as to why regulatory action should not be taken.

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

---

HB 215 Original

2015 Regular Session

LeBas

**Abstract:** Specifies the contents of a notice of wrongful conduct, including informing the person of the opportunity to show cause as to why regulatory action should not be taken by the insurance commissioner.

Present law provides that if any person is entitled to a hearing by any provision of present law, the Insurance Code, before any proposed action is taken, the notice of the proposed action may be in the form of a notice to show cause stating that the proposed action may be taken, unless such person shows cause at a hearing to be held as specified in the notice why the proposed action should not be taken, and stating the basis of the proposed action.

Proposed law instead provides that if any person is entitled to a hearing pursuant to any provisions of present law, the Insurance Code, the commissioner shall issue a notice of wrongful conduct prior to the taking of any regulatory action. Requires that the notice shall contain allegations of fact describing the wrongful conduct and cite the provisions of present law that the commissioner deems to have been violated. Further requires that the notice inform the person of the opportunity to show cause, in a manner specified in the notice, as to why regulatory action should not be taken.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 22:2195)