

2018 Regular Session

SENATE BILL NO. 35

BY SENATOR JOHN SMITH

INSURANCE COMMISSIONER. Provides relative to the discretion vested in the commissioner of insurance to levy fines for the violation of complaint directives. (8/1/18)

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AN ACT

To amend and reenact R.S. 22:1995, relative to departmental complaint directives; to provide with respect to the levying of fines for the failure to comply with certain directives; to provide for the discretion of the commissioner of insurance regarding the levying of fines for the failure to comply with a directive issued by the commissioner in response to a complaint; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1995 is hereby amended and reenacted to read as follows:

§1995. Departmental complaint directives; failure to comply; fines; hearing

A. Any person subject to the regulatory authority of ~~this department~~ **the commissioner** who fails to comply with any directive issued by the commissioner in connection with a consumer complaint ~~shall~~ **may** be fined an amount not to exceed two hundred fifty dollars for each occurrence.

B. Any person against whom a fine has been levied shall be given ten days' notice of such action. Upon receipt of this notice, the person aggrieved may apply ~~for and shall be entitled to~~ a hearing pursuant to Chapter 12 of this Title, R.S. 22:2191 et seq.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

SB 35 Original

2018 Regular Session

John Smith

Present law provides that any person subject to the regulatory authority of the La. Dept. of Insurance who fails to comply with any directive issued by the commissioner in connection with a consumer complaint shall be fined an amount not to exceed \$250.00 for each occurrence.

Proposed law provides that any person subject to the regulatory authority of the commissioner who fails to comply with any directive issued by the commissioner in connection with a consumer complaint may be fined an amount not to exceed \$250.00 for each occurrence.

Present law requires any person against whom a fine has been levied to be given 10 days' notice of such action. Further provides that upon receipt of notice, the person aggrieved may apply for and shall be entitled to a hearing pursuant to present law.

Proposed law deletes the provision entitling the person aggrieved to a hearing upon application pursuant to present law.

Effective August 1, 2018.

(Amends R.S. 22:1995)