

2018 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE JORDAN

INSURANCE: Provides relative to administrative hearings involving actions of the commissioner of insurance

1 AN ACT

2 To amend and reenact R.S. 22:2191(B), relative to hearings before the division of  
3 administrative law regarding acts of the commissioner of insurance and matters  
4 arising under the Louisiana Insurance Code; to require a demand for hearing be filed  
5 with the commissioner of insurance; to provide for the notification of a demand for  
6 hearing from the commissioner of insurance to the division of administrative law;  
7 to make technical changes; to provide for an effective date; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 22:2191(B) is hereby amended and reenacted to read as follows:

11 §2191. Hearings

12 \* \* \*

13 B.(1) Any ~~such~~ demand for a hearing shall be filed ~~with the division of~~  
14 ~~administrative law and~~ by the aggrieved party with the commissioner within thirty  
15 days after mailing of notice of the act or order to the aggrieved party's last known  
16 address or within thirty days after the delivery of notice of ~~such~~ the act or order is  
17 ~~mailed, faxed, or delivered to the aggrieved party, at his last known address~~  
18 specifying The demand for hearing shall specify in what respects ~~such~~ the person is  
19 ~~so~~ aggrieved and the grounds ~~to be relied upon as basis for the relief to be demanded~~  
20 which relief should be granted at the hearing. The aggrieved person shall reference

1 the particular sections of the statutes and rules involved, shall provide a short and  
2 plain statement of matters asserted for review, and shall attach a copy of any order  
3 or decision of the commissioner for review. The thirty-day period for filing any  
4 demand for a hearing shall be preemptive.

5 (2) The commissioner shall provide the division of administrative law with  
6 a copy of a demand for a hearing by the aggrieved party within five days of receipt  
7 of the original.

8 (3) The division of administrative law shall hold ~~such~~ the hearing demanded  
9 within thirty days after receipt of the demand from the commissioner, unless  
10 postponed by mutual consent, or upon motion of either party for good cause shown  
11 or as ordered by the division of administrative law. In no circumstance shall this  
12 hearing be held later than sixty days from the date of the original demand for the  
13 hearing unless otherwise agreed upon by all parties.

14 \* \* \*

15 Section 2. This Act shall become effective on January 1, 2019.

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 615 Original

2018 Regular Session

Jordan

**Abstract:** Requires a demand for an administrative hearing be filed with the commissioner of insurance.

Present law requires the division of administrative law to hold a hearing upon written demand for a hearing made by any person aggrieved by any act or order of the commissioner of insurance or failure of the commissioner to act, if the failure is deemed an act under any provision of the La. Insurance Code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which the person was given actual notice or at which the person appeared as a party, or order pursuant to the order on the hearing.

Proposed law retains present law.

Present law requires any demand for a hearing to be filed with the division of administrative law and the commissioner within 30 days after mailing of notice of the act or order to the aggrieved party's last known address or within 30 days after the delivery of notice of the act or order to the aggrieved party.

Proposed law removes the requirement that the demand for a hearing be filed with the division of administrative law.

Proposed law provides that the 30-day period for filing any demand for a hearing is preemptive.

Proposed law requires the commissioner to provide the division of administrative law with a copy of a demand for a hearing by the aggrieved party within five days of receipt of the original.

Present law requires the division of administrative law to hold the hearing demanded within 30 days after receipt of the demand, unless postponed by mutual consent, or upon motion of either party for good cause shown or as ordered by the division of administrative law.

Proposed law retains present law but specifies that the time period starts upon receipt of the demand for a hearing from the commissioner of insurance.

Effective Jan. 1, 2019.

(Amends R.S. 22:2191(B))