

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

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 January 1, 2019.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Remove provisions of proposed law specifying that the 30-day period for filing a demand for a hearing is preemptive.