
DIGEST

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HB 615 Engrossed

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 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 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.