

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 89

BY REPRESENTATIVES LEGER AND GAROFALO

INSURANCE CLAIMS: Authorizes and directs the Louisiana State Law Institute to study certain aspects regarding actions for violations of the duty of good faith and fair dealings under insurance policies

## 1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study the laws of prescription  
3 as they apply to violations of the duty of good faith and fair dealing to the persons  
4 insured by insurance companies, and to submit a written report of its findings and  
5 recommendations to the legislature.

6       WHEREAS, insurance companies owe a duty of good faith and fair dealing to the  
7       persons they insure; and

8           WHEREAS, many states, including Louisiana, have enacted laws to ensure such  
9   good faith and fair dealing with the insured; and

10 WHEREAS, it is in the best interest of the citizens of the state of Louisiana for there  
11 to exist certainty in the application of laws related to prescriptive periods for claims against  
12 insurance companies for violations of the obligation of good faith and fair dealing, and the  
13 issue of the applicable prescriptive period continues to be litigated by parties in Louisiana  
14 courts; and

15           WHEREAS, depending on whether a court determines the claim to be based in tort  
16   or contract may result in a court applying either a one-year or ten-year prescriptive period;  
17   and

18 WHEREAS, it would be beneficial to the Legislature of Louisiana to know the  
19 history of how these claims are treated, both across the nation and within Louisiana.

1           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
2 authorize and direct the Louisiana State Law Institute to study the laws of prescription and  
3 other similar laws throughout the United States as they apply to violations of the duty of  
4 good faith and fair dealing to the persons insured by insurance companies, and to submit a  
5 written report of its findings and recommendations to the legislature no later than February  
6 1, 2019, in order to clarify the law with respect to the applicable prescriptive period in  
7 Louisiana.

8           BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
9 to the director of the Louisiana State Law Institute.

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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)]

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HCR 89 Engrossed

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Leger

Authorizes and directs the Louisiana State Law Institute to study the laws of prescription and other similar laws throughout the U.S. as they apply to violations of the duty of good faith and fair dealing to the persons insured by insurance companies, and to submit a written report of its findings and recommendations to the legislature by Feb. 1, 2019, in order to clarify the law with respect to the applicable prescriptive period in Louisiana.