

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 89

BY REPRESENTATIVES LEGER AND GAROFALO

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the laws of prescription 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.

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study the laws of prescription and other similar laws throughout the United States 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 no later than February 1, 2019, in order to clarify the law with respect to the applicable prescriptive period in Louisiana.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE