

2019 Regular Session

HOUSE RESOLUTION NO. 220

BY REPRESENTATIVE GAROFALO

INSURANCE: Requests the Louisiana State Law Institute to study laws concerning award of penalties and attorney fees under the Louisiana Insurance Code

1   A RESOLUTION

2 To authorize and request the Louisiana State Law Institute to study and make  
3 recommendations regarding the provisions of the Louisiana Insurance Code,  
4 comprising Title 22 of the Louisiana Revised Statutes of 1950, concerning payment  
5 of claims, penalties, and attorney fees under the Louisiana Insurance Code.

6         WHEREAS, the subject and availability of insurance is of great interest and  
7 importance to the people and businesses of this state; and

8         WHEREAS, each year the legislature attempts to address insurance legislation  
9 concerning a myriad of proposals dealing with insurance, insurers, claims, regulations, and  
10 interrelated matters; and

11         WHEREAS, the purpose of Title 22 of the Louisiana Revised Statutes of 1950,  
12 known and cited as the Louisiana Insurance Code, is to regulate the insurance industry in all  
13 of its phases; and

14         WHEREAS, the purpose of the Louisiana State Law Institute is to promote and  
15 encourage the clarification and simplification of the law of Louisiana and its better  
16 adaptation to present social needs; to secure the better administration of justice; and to carry  
17 on scholarly legal research and scientific legal work; and

18         WHEREAS, the Louisiana Insurance Code contains several provisions that provide  
19 for causes of action and recovery of penalties or attorney fees, or both, from insurance  
20 companies; and

1           WHEREAS, these provisions of the Louisiana Insurance Code differ depending upon  
2 the nature or type of the underlying insurance policy at issue; and

3           WHEREAS, as amended, these provisions of the Insurance Code appear to be  
4 inconsistent and require study and possible revision; and

5           WHEREAS, there is an overriding public need to carefully study and deliberate prior  
6 to recommending changes to the Louisiana Insurance Code to maintain the confidence of the  
7 public in the insurance industry, its products, and the regulatory agencies and departments  
8 of the state and their operation, independence, and reliability; and

9           WHEREAS, the study of the relevant provisions of the Louisiana Insurance Code and  
10 proposals for revisions or amendments would bring clarity and certainty to this important  
11 area of Louisiana's insurance laws.

12           THEREFORE, BE IT RESOLVED that the House of Representatives of the  
13 Legislature of Louisiana does hereby authorize and request the Louisiana State Law  
14 Institute to study the laws concerning the award of penalties and attorney fees under the  
15 provisions of the Louisiana Insurance Code and make recommendations to the legislature  
16 of proposed legislation.

17           BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit  
18 a report detailing the results of its study and any proposed legislation to the Legislature of  
19 Louisiana no later than February 1, 2020.

20           BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
21 president 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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HR 220 Original

2019 Regular Session

Garofalo

Requests the Louisiana State Law Institute to study the provisions concerning the award of penalties and attorney fees and make recommendations to clarify and correct inconsistencies in the La. Insurance Code no later than Feb. 1, 2020.