

2020 Regular Session

HOUSE BILL NO. 808

BY REPRESENTATIVE MAGEE

INSURANCE/RATES: Provides for premium discounts on motor vehicle insurance when an insured consents to have data provided to third parties

1 AN ACT

2 To amend and reenact R.S. 22:1457(D) through (G) and to enact R.S. 22:1457(H), relative
3 to motor vehicle insurance rate reductions; to provide for a discount when an insured
4 consents to provide data to third parties; to require an insurer to seek and obtain
5 consent before providing data to third parties; to provide for applicability; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1457(D) through (G) are hereby amended and reenacted and R.S.
9 22:1457(H) is hereby enacted to read as follows:

10 §1457. Discounts; rate reductions

11 * * *

12 D.(1) An insurer who delivers or issues for delivery in this state any policy
13 for motor vehicle insurance coverage shall grant a discount in the premiums charged
14 for the automobile insurance policy upon the named insured consenting to have
15 personally identifiable data that has been collected from the named insured through
16 a safe driving program, application, or telematics device shared with or sold to any
17 third party for use unrelated either to the insurance transaction or public safety or to
18 promote any other public policy purpose.

19 (2) Prior to providing a named insured's personally identifiable data to a third
20 party, an insurer shall seek and obtain consent from the named insured through a

1 separate statement of consent accompanied by a box that must be selected or checked
2 off by the insured to acknowledge the insured is opting to give such consent.

3 (3) Nothing in this Subsection alters or limits the ability of an insurer who
4 delivers or issues motor vehicle insurance coverage to collect data from a named
5 insured as part of a safe driving program, application, or telematics device.

6 ~~D. E.~~ A rate reduction shall be authorized by the commissioner, if actuarially
7 justified, upon application of a rate filing by the carrier on motor vehicle liability and
8 physical damage insurance for coverage of any motor vehicle when the insured
9 vehicle is equipped with daytime running headlights or headlights equipped to
10 activate in inclement weather.

11 ~~E. F.~~ A rate reduction shall be authorized by the commissioner, if actuarially
12 justified, upon application of a rate filing by the carrier on motor vehicle liability and
13 physical damage insurance for coverage of any motor vehicle when the insured
14 vehicle is equipped with a global positioning system (GPS) or a vehicle tracking
15 system which aids in the recovery of stolen vehicles as such system shall be further
16 defined by rules and regulations promulgated by the Department of Insurance.

17 ~~F. G.~~ For fire insurance rates, all insurers shall assign the fire protection
18 grade of the fire servicing area where the property of the insured is located, provided
19 that the property is located within seven road miles of the nearest responding fire
20 department.

21 ~~G. H.~~ Any insurer who makes application to the commissioner for a rate
22 filing shall provide in its application details as to what discount or reduced rate will
23 be given to insureds who comply with the State Uniform Construction Code.

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)]

HB 808 Reengrossed

2020 Regular Session

Magee

Abstract: Provides for additional premium discounts when an insured consents to provide his personally identifiable data that has been collected by a motor vehicle insurer to third parties.

Proposed law requires an insurer to provide an insured with a discount when an insured gives consent to allow the insurer to share with or sell to a third party the named insured's personally identifiable data that has been collected through a safe driving program, application, or telematics device, when the data is not being shared or sold to the third party for use related either to the insurance transaction or public safety or to promote a public policy or purpose.

Proposed law provides that before providing a third party with the named insured's data an insurer is required to seek and obtain consent through a separate statement of consent with a box that must be selected or checked off by the insured to acknowledge the insured is opting to give such consent.

Proposed law redesignates present law.

(Amends R.S. 22:1457(D)-(G); Adds R.S. 22:1457(H))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Change a provision in proposed law from requiring insurers to provide a ten percent premium reduction when meeting the circumstances provided for in proposed law to requiring insurers to provide a discount when meeting the circumstances provided for in proposed law.
2. Add that the insured's data that is shared and sold be personally identifiable data.
3. Add a provision which makes proposed law applicable when the insured's data that is shared or sold is being used for purposes unrelated to either the insurance transaction or public safety or to promote a public policy or purpose.
4. Add a provision requiring an insurer to obtain consent from an insured through a separate statement of consent accompanied by a box which must be selected or checked off by the insured acknowledging that the insured is opting to give such consent prior to providing a named insured's personally identifiable data to third parties.