

2021 Regular Session

HOUSE BILL NO. 474

BY REPRESENTATIVE MINCEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LIABILITY/CIVIL: Provides relative to civil liability for the crime of hit-and-run driving

1 AN ACT

2 To amend and reenact R.S. 22:1973(C) and to enact R.S. 9:2799.7 and R.S. 22:1973(B)(7),
3 relative to civil liability for the crime of hit-and-run driving; to provide a
4 presumption of liability; to provide for an insurer's duty of good faith and fair
5 dealing; to provide for penalties; to provide for exceptions; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2799.7 is hereby enacted to read as follows:

9 §2799.7. Civil liability for hit-and-run driving

10 Any person who commits the crime of hit-and-run driving shall be presumed
11 to have caused the damage resulting from the accident.

12 Section 2. R.S. 22:1973(C) is hereby amended and reenacted and R.S. 22:1973(B)(7)
13 is hereby enacted to read as follows:

14 §1973. Good faith duty; claims settlement practices; cause of action; penalties

15 * * *

16 B. Any one of the following acts, if knowingly committed or performed by
17 an insurer, constitutes a breach of the insurer's duties imposed in Subsection A of this
18 Section:

19 * * *

20 (7) Denying a claim for damages made by the victim of an insured who
21 commits the crime of hit-and-run driving on the grounds that the claimant cannot
22 prove that the insured caused the damage resulting from the accident.

1 C.(1) In addition to any general or special damages to which a claimant is
 2 entitled for breach of the imposed duty, the claimant may be awarded penalties
 3 assessed against the insurer in an amount not to exceed two times the damages
 4 sustained or five thousand dollars, whichever is greater. Such penalties, if awarded,
 5 shall not be used by the insurer in computing either past or prospective loss
 6 experience for the purpose of setting rates or making rate filings.

7 (2) Penalties shall not be assessed against the insurer for denying a claim
 8 pursuant to Paragraph (B)(7) of this Section if there is shown to be no liability on the
 9 part of the hit-and-run driver.

10 * * *

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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Abstract: Creates a presumption that a hit-and-run driver caused the damage resulting from the accident.

Present law (R.S. 14:100) provides for the crime of hit-and-run driving.

Proposed law provides that any person who commits the crime of hit-and-run driving shall be presumed to have caused the damage resulting from the accident.

Present law (R.S. 22:1973) provides that certain acts, if knowingly committed or performed by an insurer, constitute a breach of the insurer's duties of good faith and fair dealing.

Proposed law provides that denying a claim made by the victim of an insured who commits the crime of hit-and-run driving on the grounds that the claimant cannot prove that the insured caused the damage resulting from the accident constitutes a breach of the insurer's duties of good faith and fair dealing.

Present law imposes penalties assessed against the insurer for breach of the insurer's duties in an amount not to exceed two times the damages sustained or \$5,000, whichever is greater.

Proposed law provides that penalties shall not be assessed against the insurer for denying a claim pursuant to proposed law if there is shown to be no liability on the part of the hit-and-run driver.

(Amends R.S. 22:1973(C); Adds R.S. 9:2799.7 and R.S. 22:1973(B)(7))