

ACT No. 255

2021 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE FRIEMAN

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AN ACT

To amend and reenact R.S. 22:337(A)(17) and R.S. 23:1161.1(A) and to enact R.S. 23:1161.1(E), relative to workers' compensation insurers; to require insurers issuing workers' compensation policies in Louisiana to maintain a claims office in Louisiana; to provide for retention by foreign and alien insurers of claim adjusters who possess a Louisiana license; to provide that insurers of workers' compensation policies make any relevant claim adjuster available for deposition via telephone or virtual technology involving a filing of a Disputed Claim for Compensation; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:337(A)(17) is hereby amended and reenacted to read as follows:

§337. Refusal, suspension, and revocation of certificate of authority

A. The commissioner of insurance may refuse, suspend, or revoke the certificate of authority of a foreign or alien insurer whenever he shall find that such insurer:

* * *

(17) Fails to maintain a claims office for processing workers' compensation insurance claims in this state, as required by R.S. 23:1161.1, or to retain the services of ~~Louisiana domiciled independent claims adjusters~~ a claims adjuster who possesses a Louisiana license. This Paragraph shall not apply to reinsurers licensed or accredited to do business in the state.

* * *

1 Section 2. R.S. 23:1161.1(A) is hereby amended and reenacted and R.S. 23:1161.1
2 (E) is hereby enacted to read as follows:

3 §1161.1. ~~Worker's~~ Workers' compensation claims office or licensed claims
4 adjusters; waiver

5 A. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who
6 issues a policy for ~~worker's~~ workers' compensation in this state shall either establish
7 and maintain a claims office within the state or retain a ~~licensed~~ claims adjuster who
8 possesses a Louisiana license.

9 * * *

10 E. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who
11 issues a policy for workers' compensation in this state shall be deemed to consent
12 and agree, in the event of the filing of a Disputed Claim for Compensation in which
13 liability for statutory penalties and attorney fees pursuant to R.S. 23:1201 is at issue,
14 to make any relevant claims adjuster available for deposition via telephone or virtual
15 technology such as Zoom, Skype, or other similar technology and is deemed to have
16 consented and agreed to make the relevant adjuster available for in-person testimony,
17 at the insurer's expense, if the Disputed Claim for Compensation goes to trial.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____