

2022 Regular Session

HOUSE BILL NO. 220

BY REPRESENTATIVE GREEN

INSURANCE/AUTOMOBILE: Provides relative to disclosure of automobile liability insurance coverage limits to a third party claimant

1 AN ACT

2 To enact R.S. 22:1892.2, relative to motor vehicle liability insurance coverage; to require
3 disclosure of policy limits to certain persons; to provide for a procedure for
4 disclosure; to provide with respect to liability; to provide for confidentiality; to
5 provide for retroactive application; to provide for effectiveness; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1892.2 is hereby enacted to read as follows:

9 §1892.2. Disclosure of policy coverage information upon written request;
10 procedure; confidentiality

11 A.(1)(a) Every insurer providing motor vehicle insurance coverage in this
12 state that is or may be liable to pay all or part of a third-party claim arising out of an
13 automobile accident shall provide a statement that includes each known policy of
14 motor vehicle liability insurance issued by the insurer that may provide coverage for
15 the subject accident within thirty days of receiving a written request from the
16 claimant or his attorney for such information.

17 (b) The statement shall include all of the following:

18 (i) The name of the insurer.

19 (ii) The name of each insured, relative to the vehicle subject to the accident.

1 (iii) The limits of coverage for each policy, relative to the subject vehicle,
2 or a statement indicating that the insurer did not issue a policy to the insured that
3 could provide coverage for the automobile accident.

4 (2)(a) A written request from a claimant for a statement from an insurer
5 provided pursuant to this Section shall include all of the following:

6 (i) The specific nature of the claim being asserted.

7 (ii) A copy of the accident report from which the claim is derived.

8 (b) A written request made by an attorney on behalf of a claimant pursuant
9 to this Section shall state that the attorney is authorized to make such a request and
10 provide the name of the claimant upon whose behalf the request is made, in addition
11 to the requirements of Subparagraph (a) of this Paragraph.

12 (c) The written request shall be delivered to the insurer's designated agent
13 for service of process by certified mail.

14 B. If a written request provided for in Subsection A of this Section does not
15 contain sufficient information to allow compliance with this Section, the insurer
16 upon whom the request was made shall respond to the claimant or his attorney in
17 writing, sent by certified mail to the address provided by the claimant or his attorney
18 in the original request, stating the specific additional information needed to respond
19 to the request.

20 C. An insurer that provides a copy of the declaration page of each policy that
21 may provide third-party coverage is considered in compliance with the requirements
22 of this Section.

23 D. The information provided to a claimant or his attorney as required by
24 Subsection A of this Section shall not create a waiver of any defenses available to
25 the insurer, shall not be deemed an admission of liability by the insurer or its insured,
26 and shall not be admissible as evidence.

27 E. The information provided to a claimant or his attorney as required by
28 Subsection A of this Section shall be amended, and an updated statement shall be

1 issued to the claimant or his attorney by certified mail, upon the discovery of facts
2 inconsistent with, or in addition to, the information provided in the initial statement.

3 F. The information received by a claimant or his attorney pursuant to this
4 Section is considered confidential and shall not be disclosed to any outside party.
5 Upon final disposition of the claim, the claimant or his attorney shall destroy all
6 information received pursuant to this Section.

7 G. The provisions of this Section shall be enforced through the provisions
8 of the Louisiana Insurance Code.

9 Section 2. The provisions of this Act shall be given prospective and retroactive
10 application and shall apply to all pending claims and causes of action that have not been
11 resolved by settlement or judicial award on or before the effective date of this Act.

12 Section 3. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

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 220 Original

2022 Regular Session

Green

Abstract: Requires automobile insurers to provide information about liability policy limits to third-party claimants or their attorney.

Proposed law requires automobile insurers to provide liability policy limits to third-party insurance claimants or their attorney within 30 days of receipt of a written request from a claimant or his attorney.

Proposed law requires insurers to disclose the following:

- (1) The insurer's name.
- (2) The name of each insured.
- (3) An indication of coverage limits or a statement indicating that the insurer did not issue a policy that provides coverage for the automobile accident.

Proposed law requires claimants or their attorney to make a written request for disclosures required by proposed law prior to receiving such disclosures. Proposed law provides that a written request shall include the following:

- (1) The specific nature of the claim being asserted.
- (2) A copy of the accident report from which the claim is derived.

Proposed law allows an insurer, in order to respond to a written request, to request more information if the written request by the claimant or his attorney is insufficient.

Proposed law provides that an insurer providing the declaration page for each policy that may provide coverage to an insured is sufficient to comply with proposed law.

Proposed law provides that complying with proposed law does not create a waiver of defenses, is not an admission of liability, and is not admissible as evidence.

Proposed law provides that the information obtained pursuant to proposed law is considered confidential and shall be destroyed by the recipient upon final disposition of the claim.

Proposed law provides that the provisions of proposed law will be given both prospective and retroactive application, inclusive of any claims and causes of action that have not been settled or resolved by judicial award at the time of the effective date.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 22:1892.2)