

2022 Regular Session

SENATE BILL NO. 408

BY SENATOR FOIL

RISK MANAGEMENT. Requires the office of risk management to provide for determination of insurance coverage upon request in claims against the state. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 39:1538(D), relative to claims against the state; to require the
3 office of risk management to provide for determination of insurance coverage upon
4 request; to provide relative to a denial of coverage; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:1538(D) is hereby amended and reenacted to read as follows:

8 §1538. Claims against the state

9 * * *

10 D.(1) In actions brought pursuant to this Section, process shall be served
11 upon the head of the department concerned, the office of risk management, and the
12 attorney general, as well as any others required by R.S. 13:5107. However, there
13 shall be no direct action against the Self-Insurance Fund and claimants, with or
14 without a final judgment recognizing their claims, shall have no enforceable right to
15 have such claims satisfied or paid from the Self-Insurance Fund.

16 (2) Upon request of the agency, department, or claimant, the office of
17 risk management shall confirm or deny coverage of any insurance or related

1 coverage document issued. In the event of a denial of coverage by the office of
 2 risk management, the agency, department, or claimant may request written
 3 reasons for the denial of coverage. The written reasons for the denial of
 4 coverage shall be provided within thirty days of the request.

5 * * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

DIGEST

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Present law (R.S. 39:1538) provides with respect to claims against the state and its agencies. The state is liable for claims in the same manner and to the same extent as a private individual under like circumstances.

Present law (R.S. 39:1535) provides for the duties of the office of risk management, including the management of all tort claims made against the state or any state agency.

Proposed law retains present law.

Proposed law requires the office of risk management to confirm or deny coverage of any insurance or related coverage document issued upon request of an agency, department, or claimant.

Proposed law authorizes an agency, department, or claimant to request written reasons for a denial of coverage by the office of risk management.

Proposed law requires the office of risk management to provide the written reasons for a denial of coverage within 30 days of the request.

Effective August 1, 2022.

(Amends R.S. 39:1538(D))