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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative LaCombe to Engrossed House Bill No. 870 by Representative LaCombe

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 5 in their entirety and insert in lieu thereof the following:

3 "To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the
 4 application of certain insurance coverages to an insured when operating a vehicle not
 5 owned by the insured; to provide certain requirements for such coverages to apply
 6 to the insured's conduct; to provide for a determination as to which insurance is
 7 primary; to provide legislative intent; and to provide for related matters."

8 AMENDMENT NO. 2

9 On page 1, delete lines 7 through 20 in their entirety and insert in lieu thereof the following:

10 "Section 1. R.S. 22:1296.1 is hereby enacted to read as follows:
 11 §1296.1. Coverage for drivers of non-owned vehicles; requirements
 12 A. An approved insurance company, reciprocal or exchange, writing
 13 automobile liability, uninsured, underinsured, or medical payments coverage shall
 14 not exclude the benefits of such coverage under its policy to an insured operating a
 15 vehicle not owned by the insured if all of the following requirements are satisfied:
 16 (1) The coverage is in full force and effect.
 17 (2) The insured is operating a vehicle not owned by the insured with the
 18 express or implied permission of the vehicle's owner.
 19 (3) The vehicle not owned by the insured that is being operated by the
 20 insured is not provided, furnished, or available to the insured on a regular basis.
 21 B. Coverage provided pursuant to this Section shall be secondary to the
 22 vehicle owner's insurance policy.
 23 C. If the coverage provided pursuant to this Section is included within the
 24 coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296 shall
 25 determine which coverage is primary.
 26 Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct
 27 response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v.
 28 Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28,
 29 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act to
 30 clearly establish that under Louisiana law, automobile insurance liability coverage related
 31 to a defendant driver's negligent operation of a vehicle not owned by the insured is covered
 32 under the conditions addressed by R.S. 22:1296.1."

33 AMENDMENT NO. 3

34 On page 2, delete lines 1 through 5 in their entirety