

HOUSE COMMITTEE AMENDMENTS

2022 Regular Session

Amendments proposed by House Committee on Insurance to Reengrossed Senate Bill No. 117 by Senator Luneau

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 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 6 through 17 in their entirety and insert 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**
 14 **shall not exclude the benefits of such coverage under its policy to an insured**
 15 **operating a vehicle not owned by the insured if all of the following requirements**
 16 **are satisfied:**
 17 **(1) The coverage is in full force and effect.**
 18 **(2) The insured is operating a vehicle not owned by the insured with the**
 19 **express or implied permission of the vehicle's owner.**
 20 **(3) The vehicle not owned by the insured that is being operated by the**
 21 **insured is not provided, furnished, or available to the insured on a regular basis.**
 22 **B. Coverage provided pursuant to this Section shall be secondary to the**
 23 **vehicle owner's insurance policy.**
 24 **C. If the coverage provided pursuant to this Section is included within**
 25 **the coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296**
 26 **shall determine which coverage is primary.**
 27 Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct
 28 response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v.
 29 Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28,
 30 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act to
 31 clearly establish that under Louisiana law, automobile insurance liability coverage related
 32 to a defendant driver's negligent operation of a vehicle not owned by the insured is covered
 33 under the conditions addressed by R.S. 22:1296.1."

34 AMENDMENT NO. 3

35 Delete page 2 in its entirety