

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 117

2022 Regular Session

Luneau

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

INSURANCE POLICIES. Requires coverage for temporary use of a motor vehicle not owned by the insured. (8/1/22)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provides for the application of certain insurance coverages to an insured when operating a vehicle not owned by the insured.
2. Provides requirements for certain coverages to apply to the insured's operation of a vehicle not owned by the insured.
3. Provides for a determination as to which insurance is primary when an insured operates a vehicle not owned by the insured.
4. Provides of legislative intent for proposed law.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 117 Reengrossed

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Proposed law provides that an approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments coverage shall not exclude the benefits of coverage under its policy to an insured operating a vehicle not owned by the insured if all of the following requirements are satisfied:

- (1) The coverage is in full force and effect.
- (2) The insured is operating a vehicle not owned by the insured with the express or implied permission of the vehicle's owner.
- (3) The vehicle not owned by the insured that is being operated by the insured is not provided, furnished, or available to the insured on a regular basis.

Proposed law provides that coverage provided pursuant to proposed law shall be secondary to the vehicle owner's insurance policy.

Proposed law provides that if the coverage provided pursuant to proposed law is included within the coverage provided pursuant to present law (R.S. 22:1296), the provisions of present law (R.S. 22:1296) shall determine which coverage is primary.

Proposed law provides that it is in direct response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28, 2022) to declare that it is the intent of the legislature of Louisiana in enacting proposed law to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver's negligent operation of a vehicle not owned by the insured is covered under the conditions addressed by proposed law .

Effective August 1, 2022.

(Adds R.S. 22:1296.1)

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