

2022 Regular Session

HOUSE BILL NO. 870

BY REPRESENTATIVE LACOMBE

1 AN ACT

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

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1296.1 is hereby enacted to read as follows:

9 §1296.1. Coverage for drivers of non-owned vehicles; requirements

10 A. An approved insurance company, reciprocal or exchange, writing  
11 automobile liability, uninsured, underinsured, or medical payments coverage shall  
12 not exclude the benefits of such coverage under its policy to an insured operating a  
13 vehicle not owned by the insured if all of the following requirements are satisfied:

14 (1) The coverage is in full force and effect.

15 (2) The insured is operating a vehicle not owned by the insured with the  
16 express or implied permission of the vehicle's owner.

17 (3) The vehicle not owned by the insured that is being operated by the  
18 insured is not provided, furnished, or available to the insured on a regular basis.

19 B. Coverage provided pursuant to this Section shall be secondary to the  
20 vehicle owner's insurance policy.

21 C. If the coverage provided pursuant to this Section is included within the  
22 coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296 shall  
23 determine which coverage is primary.

1           Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct  
2 response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v.  
3 Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (January 28,  
4 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act to  
5 clearly establish that under Louisiana law, automobile insurance liability coverage related  
6 to a defendant driver's negligent operation of a vehicle not owned by the insured is covered  
7 under the conditions addressed by R.S. 22:1296.1.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_