

## RÉSUMÉ DIGEST

ACT 93 (HB 870)

2022 Regular Session

LaCombe

New law requires an approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments coverage to not exclude the benefits of such 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.

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

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

New law provides that the provisions of new law are enacted in direct response to the La. Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al, Docket Number 2021-C-00621 (Jan. 28, 2022) to declare that it is the intent of the legislature to clearly establish that under La. 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 new law.

Effective August 1, 2022.

(Adds R.S. 22:1296.1)