

RÉSUMÉ DIGEST

ACT 159 (HB 529)

2022 Regular Session

Brown

Existing law provides that the Dept. of Insurance (department) shall be comprised of certain enumerated offices.

Prior law provided for the powers and duties of the division of insurance fraud within the Dept. of Insurance.

Prior law required certain persons and entities to report suspected acts of insurance fraud to the division of insurance fraud and requires the division to report alleged violations of law to certain criminal justice entities.

Prior law provided that persons acting without malice, fraudulent intent, or bad faith shall not be subject to civil liability for libel, slander, or any other relevant tort for reporting suspected insurance fraud to the division of insurance fraud if required by law to report such.

Prior law provided that criminal background information in the possession of the division of insurance fraud shall be confidential and shall not be disclosed to others outside of the division, except as necessary for action on the application of the applicant.

Prior law provided for the creation and duties of the division of consumer services, the deputy commissioner of consumer services, the division of legal services, and the deputy commissioner for legal services within the department.

New law revises prior law by changing the name of the division of insurance fraud, the division of legal services, and the division of consumer services to the office of insurance fraud, the office of legal services, and the office of consumer services.

New law creates the office of policy, innovation, and research within the department.

Prior law provided that the board of directors of the La. Automobile Theft and Insurance Fraud Prevention Authority shall select a director and assistant director, who will operate the daily affairs of the authority and serve at the pleasure of the commissioner of insurance (commissioner).

New law repeals prior law and requires the commissioner to operate the daily affairs of the authority.

Prior law authorized the commissioner to employ persons to carry out the operations of the La. Health Care Commission and to employ a director and an assistant director of the commission.

New law repeals prior law and requires the commissioner to conduct the daily affairs of the La. Health Care Commission.

Prior law required the La. Property and Casualty Insurance Commission to appoint a director and an assistant director with the consent of the Senate to carry out the operations of the commission at the pleasure of the commissioner.

New law repeals prior law and requires the commissioner to conduct the daily affairs of the La. Property and Casualty Insurance Commission.

Existing law provides that the officers of the department shall include the chief deputy commissioner and other enumerated deputy commissioners and assistant commissioners.

New law retains existing law but provides that the chief deputy commissioner shall be an officer of the department, if one is appointed

New law adds the deputy commissioner for policy, innovation, and research to the officers of the department.

New law provides that if a chief deputy commissioner is appointed, he shall be the first assistant to the commissioner, and if a chief deputy commissioner is not appointed, the commissioner shall appoint one of the offices of deputy commissioner as his first assistant.

Existing law provides that the chief deputy commissioner of the department shall be appointed by the commissioner of insurance and confirmed by the Senate.

Existing law provides that the deputy commissioner of the department shall serve at the pleasure of the commissioner of insurance at a fixed salary that shall not exceed the amount approved for such position by the legislature.

New law retains existing law for cases in which the commissioner of insurance appoints a chief deputy commissioner.

New law creates an office of policy, innovation, and research within the department under the direction of the deputy commissioner for policy, innovation, and research.

New law provides that the duties of the office of policy, innovation, and research and its deputy commissioner include the following:

- (1) To research and develop policy proposals relative to the regulation of insurance.
- (2) To develop and prepare proposals for legislation, rules and regulations, and other administrative actions.
- (3) To participate in and liaison with the National Assoc. of Insurance Commissioners (NAIC), the Interstate Insurance Product Regulation Commission (IIPRC), and the International Assoc. of Insurance Supervisors (IAIS).
- (4) To monitor the insurance regulation activities of congress, federal agencies, the National Council of Insurance Legislators (NCOIL), the National Conference of State Legislatures (NCSL), and other organizations that affect the regulation of insurance.
- (5) Other duties and functions assigned by the commissioner of insurance.

New law authorizes the commissioner to employ persons as necessary to carry out the provisions of new law and to provide necessary staff support to the La. Health Care Commission, the La. Automobile Theft and Insurance Fraud Prevention Authority, and the La. Property and Casualty Insurance Commission.

New law makes technical changes.

Effective May 25, 2022.

(Amends R.S. 22:3, 1921(A), (C), and (D), 1922(A), 1926, 1928(A)(intro. para.), 1929(A), 2132(G)(2), 2161(J), and 2171(L) and R.S. 36:681(C), 683, 687, 689, and 691.1; Adds R.S. 36:681(D), 686(C)(3) and (4), and 694.1; Repeals R.S. 36:686(D) and (E))