The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST 2016 Regular Session

Gatti

<u>Present law</u> (R.S. 32:866(A)) prohibits any recovery for the first \$15,000 of bodily injury and no recovery for the first \$25,000 of property damage based on any cause or right of action arising out of a motor vehicle accident, for such injury or damages occasioned by an owner or operator of a motor vehicle involved in such accident who fails to own or maintain compulsory motor vehicle liability security.

<u>Present law</u> (R.S. 32:866(B)) provides each person who is involved in an accident in which the other motor vehicle was not covered by compulsory motor vehicle liability security and who is found to be liable for damages to the owner or operator of the other motor vehicle may assert as an affirmative defense the limitation of recovery provisions as stated in <u>present law</u>.

<u>Proposed law</u> prohibits an insurer from increasing the premium rate or increasing or adding a surcharge to any policy of motor vehicle insurance when such action is based on the assertion of the affirmative defense as provided in present law.

Effective August 1, 2016.

(Adds R.S. 22:1284.2)

SB 34 Original