

2016 Regular Session

HOUSE BILL NO. 353

BY REPRESENTATIVE JACKSON

INSURANCE CLAIMS: Requires disclosure of automobile liability insurance coverage limits to third party claimants under certain circumstances

1 AN ACT

2 To enact R.S. 22:1892.2, relative to the provision of automobile liability insurance coverage
3 limits; to require disclosure of policy limits to certain persons; to provide for
4 procedure for disclosure; to provide with respect to liability; to provide for
5 confidentiality; to provide for effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1892.2 is hereby enacted to read as follows:

8 §1892.2. Disclosure of policy coverage information upon written request of
9 claimant's attorney; procedure; confidentiality

10 A.(1) Every insurer providing automobile insurance coverage in this state
11 and which is or may be liable to pay all or part of a third party claim arising out of
12 an automobile accident shall provide, within thirty days of receiving a written
13 request from the claimant or his attorney, a statement that includes each known
14 policy of motor vehicle liability insurance issued by it that may provide coverage for
15 the subject accident. The statement shall include the name of the insurer, the name
16 of each insured, and the limits of coverage, or that the insurer did not issue a policy
17 that might provide coverage for the automobile accident.

18 (2)(a) The written request shall include both of the following:

19 (i) The specific nature of the claim being asserted.

20 (ii) A copy of the accident report from which the claim is derived.

1 (b) If the written request is made by an attorney, the request shall state that
2 the attorney is authorized to make such a request and provide the name of the
3 claimant upon whose behalf the request is made.

4 (c) The written request shall be delivered to the insurer's designated agent
5 for service of process by certified mail.

6 B. If the written request provided for in Subsection A of this Section does
7 not contain sufficient information to allow compliance with this Section, the insurer
8 upon whom the request was made shall respond to the claimant or his attorney in
9 writing, sent by certified mail to the address provided by the claimant or his attorney
10 in the original request, stating the specific additional information needed to respond
11 to the request.

12 C. An insurer that provides a copy of the declaration page of each policy that
13 may provide third party coverage shall be in compliance with the requirements of
14 this Section.

15 D. The information provided to a claimant or his attorney as required by
16 Subsection A of this Section shall not create a waiver of any defenses to coverage
17 available to the insurer, shall not be deemed an admission of liability by the insurer
18 or its insured, and shall not be admissible in evidence.

19 E. The information provided to a claimant or his attorney as required in
20 Subsection A of this Section shall be amended upon the discovery of facts
21 inconsistent with or in addition to the information provided.

22 F. The information received by claimant or his attorney pursuant to this
23 Section is confidential and shall not be disclosed to any outside party. Upon final
24 disposition of the claim, the claimant, or his attorney, shall destroy all information
25 received pursuant to this Section.

26 G. The provisions of this Section shall be enforced through the provisions
27 of the Louisiana Insurance Code.

28 Section 2. This Act shall become effective on January 1, 2017, and shall apply to all
29 actions that accrue on or after the effective date.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 353 Original

2016 Regular Session

Jackson

Abstract: Requires an automobile insurer to provide information about liability policy limits to a third party claimant or his attorney.

Proposed law requires an automobile insurer to provide liability policy limits to a third party claimant or his attorney within 30 days of receipt of a written request from the claimant or his attorney.

Proposed law requires the insurer to disclose the following:

- (1) The insurer's name.
- (2) The name of each insured.
- (3) An indication of coverage limits or that the insurer did not issue a policy that provides coverage for the automobile accident.

Proposed law requires a claimant or his attorney to make a written request for such disclosure. The written request must include:

- (1) The specific nature of the claim being asserted.
- (2) A copy of the accident report from which the claim is derived.

Proposed law allows an insurer, in order to respond to a written request, to request more information if the written request by the claimant or his attorney is insufficient.

Proposed law allows the provision of the declaration page for each policy that may provide coverage to be sufficient to meet the requirements of proposed law.

Proposed law provides that the disclosure of policy limits pursuant to proposed law does not create a waiver of defense, is not an admission of liability, and is not admissible in evidence.

Proposed law provides that the information provided in response to a request shall remain confidential and shall be destroyed by the recipient upon final disposition of the claim.

Proposed law provides that the provisions of this Section shall be enforced through present law.

Effective Jan. 1, 2017.

(Adds R.S. 22:1892.2)