AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and 4.1(B)(11) as amended by Section 2 of Act 371 of the 2018 Regular Session and to enact R.S. 22:1290.1, relative to commercial automobile insurance; to require automobile insurers to submit annual data to the commissioner of insurance; to provide for aggregation and public posting of the data; to provide for a sunset date; to provide for confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1290.1 is hereby enacted to read as follows:

§1290.1. Commercial automobile insurance losses; annual reporting; publication of data; penalties

A.(1) Beginning on January 1, 2020, each insurance company authorized to write automobile insurance in this state shall submit to the commissioner, on or before May first of each year, the following information for the prior calendar year:

(a) The total amount of direct paid losses less all deductibles on claims involving commercial motor vehicles.

(b) The number of commercial motor vehicle policies written.

(c) The direct written premiums for insuring commercial motor vehicles.
(2) As used in this Section, "commercial motor vehicle" has the meaning defined in R.S. 32:401.

(3) The insurance company shall report the computations to the commissioner by federal Zone Improvement Plan (ZIP) code and parish. The information received by the commissioner shall be aggregated across all insurance companies collectively, and the aggregated totals shall be arranged by ZIP code and parish.

(4) The commissioner shall compile and publish on the department's website by June first annually the aggregated total of the data provided for the prior calendar year as required by Paragraph (1) of this Subsection by ZIP code and parish.

(5) The commissioner shall post a link to the data aggregated pursuant to the provisions of this Section on the department's website in a prominent position on the website's home page.

B. The commissioner shall post on the department's website a general description of the ratemaking methodology that the commissioner permits insurance companies to use in establishing automobile insurance rates for commercial motor vehicles.

C.(1) Upon written request of an insurance company, the commissioner may, for good cause shown, modify or extend for an additional time period the reporting requirements of this Section. Any modification or extension granted by the commissioner shall be noted on the department's website, along with a projected date of compliance. Good cause may include but is not limited to either of the following:

(a) The insurance company's limited percentage of the total automobile insurance market in this state.

(b) The undue burden of compiling and reporting the information required by this Section due to the manner, format, or method in which the insurance company has stored the information required.

(2) Any insurance company that fails to timely comply with the reporting
requirements of this Section shall be given notice by the commissioner of the
failure and provided thirty days to comply. Any insurance company that fails
to comply on or before the thirtieth day, unless the compliance period is
modified or extended by the commissioner, shall be fined ten thousand dollars
per month by the commissioner until the date of compliance. These fines shall
not be waived or reduced except by an Act of the legislature.

(3) The commissioner shall waive or modify the reporting requirements
of this Section if any of the following apply:

(a) The company does not store the information required.

(b) The company must materially upgrade, modify, re-devise, or
reprogram computer systems to provide the information required.

(c) The company is required to significantly divert limited resources to
provide the information required.

D. Any information reported to the commissioner pursuant to this
Section shall be treated as confidential. Use of the information is limited to the
purposes authorized in this Section. The information submitted by each insurer
pursuant to this Section shall be exempt from the Public Records Law, R.S. 44:1
et seq.

E. Each report submitted by an insurance company pursuant to this
Section shall include a notarized affidavit executed by an executive of that
company attesting to the validity of the information reported.

F. The commissioner may issue rules and regulations as may be
necessary or proper to carry out the provisions of this Section. The rules and
regulations shall be promulgated and adopted in accordance with the
Administrative Procedure Act, R.S. 49:950 et seq.

G. Creditor-placed automobile insurance is excluded from the
requirements of this Section.

H. The provisions of this Section shall be void on May 1, 2025.

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:
§4.1. Exceptions
B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

\( (11) \) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

Section 3. R.S. 44:4.1(B)(11) as amended by Section 2 of Act 371 of the 2018 Regular Session is hereby amended and reenacted to read as follows:

\[ \text{§4.1. Exceptions} \]

A.

\( * \ * \ * \)

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\( (11) \) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.
Section 4. The provisions of Section 3 of this Act shall become effective on January 1, 2020.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________