

SENATE COMMITTEE AMENDMENTS

2020 Regular Session

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 65 by Senator Talbot

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" insert "R.S. 22:1284.1 and 1964(7)(j) and R.S." and delete
3 "to provide relative to" and insert the following:

4 "to provide for a definition of "lapse in coverage"; to provide for nondiscriminatory
5 treatment of persons with a lapse in coverage; to provide for an unfair trade practice for
6 discriminatory treatment of persons with a lapse in coverage; to provide for an exemption
7 from the Motor Vehicle Safety Responsibility Law due to out-of-state services in the
8 uniformed services; to provide for a notification procedure for the service member
9 exemption;"

10 AMENDMENT NO. 2

11 On page 1, delete line 3

12 AMENDMENT NO. 3

13 On page 1, line 4, delete "certain circumstances;"

14 AMENDMENT NO. 4

15 On page 1, after line 5, insert the following:

16 "Section 1. R.S. 22:1284.1 and 1964(7)(j) are hereby amended and reenacted to read
17 as follows:

18 §1284.1. Motor vehicle insurance; consideration of lapse in coverage prohibited

19 A. No insurer shall increase the premium rate or increase or add a surcharge on any
20 policy of motor vehicle insurance when such action is based solely on consideration of a
21 lapse in coverage, as defined in this Section, ~~regarding the insured as provided in this~~
22 ~~Section.~~

23 B. As used in this Section, a "lapse in coverage" is that period ~~of time~~ during which
24 the owner of a motor vehicle ~~who formerly maintained~~ **ceases to maintain** liability coverage
25 on a vehicle, as required ~~under~~ **by** the Motor Vehicle Safety Responsibility Law, **by**
26 **complying with the requirements of either of the following:**

27 **(1) first voluntarily surrenders R.S. 32:861(A)(3) relative to surrendering** the
28 vehicle's license plate to the office of motor vehicles ~~and then ceases to maintain a policy~~
29 ~~of insurance or other security as required by the Motor Vehicle Safety Responsibility Law.~~

30 **(2) R.S. 32:861.1 relative to notifying the office of motor vehicles of service out-**
31 **of-state in the uniformed services.**

32 C. Any insurer who violates the provisions of this Section shall refund to the insured
33 person the amount of premium ~~which was paid that exceeded in excess of~~ the amount of
34 ~~premium which that~~ would have been charged if the insurer had complied with this Section.
35 ~~The commissioner of insurance shall promulgate rules and regulations to enforce the~~
36 ~~provisions of this Section.~~

37 D. Notwithstanding any other provisions of law to the contrary, one or more lapses
38 in coverage, as defined in this Section, shall not be the sole basis for an insurer's denial of
39 an application for a policy of motor vehicle insurance nor shall such lapse in coverage be
40 considered by an insurer in determining the rates for such a policy. In addition, no insurer
41 shall require that such coverage be provided by another insurer based solely upon such a
42 lapse in coverage.

43 * * *

44 §1964. Methods, acts, and practices which are defined as unfair or deceptive

45 The following are declared to be unfair methods of competition and unfair
46 or deceptive acts or practices in the business of insurance:

47 * * *

(7) Unfair discrimination.

* * *

(j) **Violating the provisions of R.S. 22:1284.1.** ~~With regard to automobile liability insurance, refusing to issue insurance coverage or increasing insurance premiums solely based upon a lapse in insurance coverage where the insured is serving in the military and has been deployed and has performed military services out of state and where the individual has previously surrendered his automobile license number plate to the office of motor vehicles in compliance with R.S. 47:505(B). This Paragraph shall apply to all existing and new insurance policies as well as renewals of existing policies.~~

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AMENDMENT NO. 5

On page 1, line 6, after "Section" delete "1." and insert "2. R.S."

AMENDMENT NO. 6

On page 1, line 7, delete "exemptions" and insert "exemption"

AMENDMENT NO. 7

On page 1, lines 7 and 8, delete "**armed services members**" and insert "**out-of-state service in the uniformed services**"

AMENDMENT NO. 8

On page 1, line 9, delete "**(1)**"

AMENDMENT NO. 9

On page 1, line 9, delete "the armed" and insert "**and due to service out-of-state for more than thirty days in the uniformed**"

AMENDMENT NO. 10

On page 1, line 11, delete "overseas, provided" and insert "**if, prior to such service,**" and delete "that he wishes" and insert "**in writing of the intent**"

AMENDMENT NO. 11

On page 1, line 12, after "vehicle" delete the remainder of the line

AMENDMENT NO. 12

On page 1, delete line 13, and insert ". Such affidavit **notice** shall"

AMENDMENT NO. 13

On page 1, line 15, delete "site" and insert "**the**"

AMENDMENT NO. 14

On page 1, line 16, delete "his" and insert "**any**"

AMENDMENT NO. 15

On page 1, line 16, after "orders" delete the remainder of the line and insert "**or other documentation that substantiates nonuse of the vehicle due to service out-of-state in the uniformed services**"

1 AMENDMENT NO. 16

2 On page 1, delete line 17

3 AMENDMENT NO. 17

4 On page 2, delete lines 1 through 9

5 AMENDMENT NO. 18

6 On page 2, line 10, delete "provided by the provisions of" and insert "pursuant to"

7 AMENDMENT NO. 19

8 On page 2, line 11, delete "affidavit" and insert "notice"