

Existing law, the Administrative Procedure Act, required the Division of Administrative Law (DAL) to hold all administrative hearings concerning certain state departments' orders or acts, including acts relative to licensure and the imposition of fines. Includes the Department of Insurance (DOI) among such departments. Generally provides that whenever the department or its commissioner issues an order or acts, any aggrieved party may file an appropriate demand for review of such act or order at an administrative hearing to be held by the DAL. Makes decisions or orders by DAL appealable to the district court of the parish in which the department is located.

Prior law, the La. Insurance Code, had not been consistently amended to reflect existing law, the Administrative Procedure Act, requiring administrative hearings for DOI to be held by DAL. Instead provided that the department and its commissioner hold such administrative hearings on their own acts or orders and specifies procedures for such.

New law changes the inconsistent provisions of prior law, the La. Insurance Code, to accurately reflect existing law, the Administrative Procedure Act, requiring administrative hearings for DOI to be held by DAL. However, retains the authority of the DOI and its commissioner to hold certain public hearings on matters such as procedures for hearings on rules and regulations, acquisition of control or merger of a domestic insurer, conversion of mutual insurers and mutual insurance holding companies, ratemaking, or approval of the plan of operation of the La. Consortium of Insurance and Financial Services.

New law further specifically provides that a demand for a hearing by an aggrieved party shall be filed with DAL and the commissioner of insurance within 30 days after notice of the act or order is mailed, faxed, or delivered to the aggrieved party at his last known address. Requires that the aggrieved in his demand reference the particular sections of the statutes and rules involved, provide a short and plain statement of matters asserted for review, and attach a copy of any order or decision of the commissioner for review. Further provides that a demand for an administrative hearing shall not stay any order issued by the commissioner unless a stay is granted by DAL upon request of the party seeking the hearing. Requires DAL to designate the hearing place and issues notice for its hearings. However, retains the authority of the commissioner of insurance to issue subpoenas relative to investigations or use of the injunctive process.

Prior law provided that when an insurer has been placed in administrative supervision, the commissioner could extend the period of supervision if he makes that determination after due notice and proper hearing.

New law deletes the requirement for a hearing; otherwise retains prior law.

Effective August 15, 2009.

(Amends R.S. 22:14(B), 16, 18(A), 33(A)(intro para), 35(C), 72(B), 88(E), (I), and (O), 236.4(C) and (E), 255, 259, 264, 267(D), 310, 337(B), 369, 371, 389, 391, 457(C), 584(D)(1)(b), 588(A)(1), 590(B), 595, 613(A)(3), (C)(2), and (D)(3)(b), 614(A)(9) and (C)(2), 615(A)(5), 616(A)(3), 634(A)(intro. para.) and (3), (C)(2), and (D)(2), 635(A)(intro para), (3), (7), and (9) and (C)(2), 636(A)(intro. para.), (3) and (5), 637(A)(intro para) and (A)(3), 638(intro para), 656(B), 661, 674(A)(3) and (B), 694(D)(1)(intro para), 709(A)(intro para) and (B), and (C), 731(D), 732(C), 821(G), 833(C)(3), 855(E)(1), 972(A) and (B), 974, 1071(C)(3)(d), 1141, 1143(A)(intro para) and (B)(intro para), 1211(B), 1451(E), 1453(A)(1), 1465(A)(3)(a), (B), and (C), 1466(A), (B), (D), and (E), 1469(A), 1470(B), 1471(C), 1529(A), 1546(B)(1)(d), 1547(G), 1549(G), 1550(G), 1554(B), (C), and (D), 1559(G), 1571(H), 1627(A)(intro para), 1671(C), 1672(B) and (C), 1699(B), 1700(C), (D), and (E), 1731(A)(intro para), 1793(C), 1837(A)(intro para) and (B)(intro para), 1860(A)(intro para), and (B)(intro para), 1968, 1969, 1970, 1995(B), 2060(B)(2), 2090(B), 2147(A)(2), 2191, 2193, 2194, 2198, 2204, 2205, 2206, 2208, 2242(C)(3), and R.S. 22:2401; adds R.S. 22:33(D), 588(C), 694(D)(4), 709(E), 731(F), 833(D), 1143(D), 1211(C), 1453(D), 1471(E), 1472(C), 1529(C), 1549(K), 1550(K), 1837(C), 1860(C), 2060(C), and 2422(C); repeals R.S. 22:2192, 2196, and 2199- 2203)