

RÉSUMÉ DIGEST

ACT 166 (SB 184)

2017 Regular Session

Luneau

Prior law required any person having a claim against an insurer to first exhaust all coverage provided by any other policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same set of facts, injury, or loss giving rise to the covered claim against the Louisiana Insurance Guaranty Association. Provided that this requirement to exhaust applies without regard to whether the other insurance policy is written by a member insurer. Further provided that no one is required to exhaust any right under the policy of an insolvent insurer or right under a life insurance policy or annuity.

New law retains these provisions but adds a provision that one's own uninsured or underinsured motorist coverage is not included in the coverage requirement that "one must exhaust all coverage under any other policy" before making a claim to the Association.

Prior law required any amount payable on a covered claim by the Association to be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy as provided in prior law. Requires the association and the insured to receive a full credit for the total recovery.

New law excludes uninsured and underinsured motorists policies from the full credit requirement for the total recovery.

Effective August 1, 2017.

(Adds R.S. 22:2062(A)(1) and (2)(c))