HLS 18RS-734 ENGROSSED

2018 Regular Session

HOUSE BILL NO. 615

BY REPRESENTATIVE JORDAN

INSURANCE: Provides relative to administrative hearings involving actions of the commissioner of insurance

1 AN ACT

To amend and reenact R.S. 22:2191(B), relative to hearings before the division of administrative law regarding acts of the commissioner of insurance and matters arising under the Louisiana Insurance Code; to require a demand for hearing be filed with the commissioner of insurance; to provide for the notification of a demand for hearing from the commissioner of insurance to the division of administrative law; to make technical changes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2191(B) is hereby amended and reenacted to read as follows:

11 §2191. Hearings

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B.(1) Any such demand for a hearing shall be filed with the division of administrative law and by the aggrieved party with the commissioner within thirty days after mailing of notice of the act or order to the aggrieved party's last known address or within thirty days after the delivery of notice of such the act or order is mailed, faxed, or delivered to the aggrieved party. at his last known address specifying The demand for hearing shall specify in what respects such the person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded which relief should be granted at the hearing. The aggrieved person shall reference

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 the particular sections of the statutes and rules involved, shall provide a short and 2 plain statement of matters asserted for review, and shall attach a copy of any order 3 or decision of the commissioner for review. 4 (2) The commissioner shall provide the division of administrative law with 5 a copy of a demand for a hearing by the aggrieved party within five days of receipt 6 of the original. 7 (3) The division of administrative law shall hold such the hearing demanded 8 within thirty days after receipt of the demand from the commissioner, unless 9 postponed by mutual consent, or upon motion of either party for good cause shown 10 or as ordered by the division of administrative law. In no circumstance shall this 11 hearing be held later than sixty days from the date of the original demand for the 12 hearing unless otherwise agreed upon by all parties. 13 14 Section 2. This Act shall become effective on January 1, 2019.

## **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 615 Engrossed

2018 Regular Session

Jordan

**Abstract:** Requires a demand for an administrative hearing be filed with the commissioner of insurance.

<u>Present law</u> requires the division of administrative law to hold a hearing upon written demand by any person aggrieved by any act or order of the commissioner of insurance or failure of the commissioner to act, if the failure is deemed an act under any provision of the La. Insurance Code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which the person was given actual notice or at which the person appeared as a party, or order pursuant to the order on the hearing.

Proposed law retains present law.

<u>Present law</u> requires any demand for a hearing to be filed with the division of administrative law and the commissioner within 30 days after mailing of notice of the act or order to the aggrieved party's last known address or within 30 days after the delivery of notice of the act or order to the aggrieved party.

<u>Proposed law</u> removes the requirement that the demand for a hearing be filed with the division of administrative law.

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<u>Proposed law</u> requires the commissioner to provide the division of administrative law with a copy of a demand for a hearing by the aggrieved party within five days of receipt of the original.

<u>Present law</u> requires the division of administrative law to hold the hearing demanded within 30 days after receipt of the demand, unless postponed by mutual consent, or upon motion of either party for good cause shown or as ordered by the division of administrative law.

<u>Proposed law</u> retains <u>present law</u> but specifies that the time period starts upon receipt of the demand for a hearing from the commissioner of insurance.

Effective January 1, 2019.

(Amends R.S. 22:2191(B))

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on House and</u> Governmental Affairs to the original bill:

1. Remove provisions of <u>proposed law</u> specifying that the 30-day period for filing a demand for a hearing is peremptive.