

**ACT No. 95**

2020 Regular Session

HOUSE BILL NO. 808

BY REPRESENTATIVE MAGEE

1 AN ACT

2 To amend and reenact R.S. 22:1457(D) through (G) and to enact R.S. 22:1457(H), relative  
3 to motor vehicle insurance rate reductions; to provide for a discount when an insured  
4 consents to provide data to third parties; to require an insurer to seek and obtain  
5 consent before providing data to third parties; to provide for applicability; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1457(D) through (G) are hereby amended and reenacted and R.S.  
9 22:1457(H) is hereby enacted to read as follows:

10 §1457. Discounts; rate reductions

11 \* \* \*

12 D.(1) An insurer who delivers or issues for delivery in this state any policy  
13 for motor vehicle insurance coverage shall grant a discount in the premiums charged  
14 for the automobile insurance policy upon the named insured consenting to have  
15 personally identifiable data that has been collected from the named insured through  
16 a safe driving program, application, or telematics device shared with or sold to any  
17 third party for use unrelated either to the insurance transaction or public safety or to  
18 promote any other public policy purpose.

19 (2) Prior to providing a named insured's personally identifiable data to a third  
20 party, an insurer shall seek and obtain consent from the named insured through a  
21 separate statement of consent accompanied by a box that must be selected or checked  
22 off by the insured to acknowledge the insured is opting to give such consent.

1                    (3) Nothing in this Subsection alters or limits the ability of an insurer who  
 2                    delivers or issues motor vehicle insurance coverage to collect data from a named  
 3                    insured as part of a safe driving program, application, or telematics device.

4                    ~~D. E.~~ E. A rate reduction shall be authorized by the commissioner, if actuarially  
 5                    justified, upon application of a rate filing by the carrier on motor vehicle liability and  
 6                    physical damage insurance for coverage of any motor vehicle when the insured  
 7                    vehicle is equipped with daytime running headlights or headlights equipped to  
 8                    activate in inclement weather.

9                    ~~E. F.~~ F. A rate reduction shall be authorized by the commissioner, if actuarially  
 10                    justified, upon application of a rate filing by the carrier on motor vehicle liability and  
 11                    physical damage insurance for coverage of any motor vehicle when the insured  
 12                    vehicle is equipped with a global positioning system (GPS) or a vehicle tracking  
 13                    system which aids in the recovery of stolen vehicles as such system shall be further  
 14                    defined by rules and regulations promulgated by the Department of Insurance.

15                    ~~F. G.~~ G. For fire insurance rates, all insurers shall assign the fire protection  
 16                    grade of the fire servicing area where the property of the insured is located, provided  
 17                    that the property is located within seven road miles of the nearest responding fire  
 18                    department.

19                    ~~G. H.~~ H. Any insurer who makes application to the commissioner for a rate  
 20                    filing shall provide in its application details as to what discount or reduced rate will  
 21                    be given to insureds who comply with the State Uniform Construction Code.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_