

2025 Regular Session

HOUSE BILL NO. 148

BY REPRESENTATIVES WILEY AND BROWN

AN ACT

To amend and reenact R.S. 22:881.1, 1452(C)(introductory paragraph) and (6), 1454(A) and (B)(5), 1464(D), and 1465(A)(1) and (4) and to repeal R.S. 22:1451(D), 1452(C)(4) and (15), 1453, and 1455, relative to the powers and duties of the commissioner of insurance; to provide with respect to rate filings and methods; to modify relative to excessive rates; to provide for disapproval of rates by the commissioner of insurance; to repeal relative to competitive and noncompetitive markets; to provide relative to insurers; to provide relative to homeowners' and private passenger motor vehicle insurance; to require insurers to provide the prior premium amount with renewals; to provide for public inspection with respect to rates and supporting information; to require the commissioner of insurance to determine if information is confidential, trade secret, or proprietary relative to public inspection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:881.1, 1452(C)(introductory paragraph) and (6), 1454(A) and (B)(5), 1464(D), and 1465(A)(1) and (4) are hereby amended and reenacted to read as follows:

§881.1. Discounts; disclosure requirements; renewals and prior premiums;
homeowners' and motor vehicle policies

A. Every insurer that writes homeowners' or private passenger motor vehicle insurance policies in this state shall, in writing that is not less than twelve-point font,

1 disclose all discounts that the insurer offers that may reduce the homeowners' or
2 motor vehicle insurance premium of a policyholder or prospective policyholder.
3 Insurers shall ensure that the disclosure is delivered by electronic means as defined
4 in R.S. 22:2461 or submit the disclosure within the written materials of a new policy
5 delivered to the policyholder and at each subsequent renewal. For purposes of this
6 Section, "discounts" means premium credits advertised by an insurer to
7 policyholders who meet certain criteria defined by the insurer. An insurer's failure
8 to comply with this Section does not create a cause of action.

9 B. If an insurer issues a renewal policy of homeowners' or private passenger
10 motor vehicle insurance in this state, the insurer shall provide the premium for the
11 policy last issued by the insurer with the respective renewal policy, and shall ensure
12 the prior premium is prominently displayed in close proximity to the renewal
13 premium.

14 ~~B. C.~~ This Section ~~shall~~ does not apply to excess and surplus lines.

15 * * *

16 §1452. Purpose of rate regulation; construction; definitions

17 * * *

18 C. As used in this Subpart, the following definitions ~~shall be applicable~~
19 apply:

20 * * *

21 (6) "Excessive" means a rate that is likely to produce ~~a long-term profit that~~
22 ~~is unreasonably high for the insurance provided. No rate in a competitive market~~
23 ~~shall be considered excessive.~~ a profit that is unreasonably high for the insurance
24 provided or the expense provision included therein is unreasonably high in relation
25 to the services rendered.

26 * * *

27 §1454. Rating standards and methods

28 A. ~~Rates shall not be inadequate or unfairly discriminatory in a competitive~~
29 ~~market.~~ Rates shall not be excessive, inadequate, or unfairly discriminatory. in a

1 ~~noncompetitive market.~~ Risks may be classified using any criteria except that no
2 risk shall be classified on the basis of race, color, creed, or national origin.

3 B. In determining whether rates are excessive, inadequate, or unfairly
4 discriminatory, consideration may be given to the following items:

5 * * *

6 (5) Other relevant factors. Any other factors available at the time of the rate
7 filing, including but not limited to rates computed in accordance with accepted
8 actuarial standards.

9 * * *

10 §1464. Rate Filing

11 * * *

12 D.(1) All rates, supplementary rate information, and any supporting
13 information filed pursuant to this Subpart shall be open to public inspection upon
14 expiration of the notification period as applicable pursuant to R.S. 22:1451, or upon
15 disapproval, except for information ~~which is deemed~~ that is confidential, trade secret,
16 or proprietary ~~by the insurer or filer.~~ The determination of whether such information
17 is in fact confidential, trade secret, or proprietary shall be made by the commissioner.

18 (2)(a) If the commissioner receives a request for any information which has
19 been marked by the insurer or filer as confidential, trade secret, or proprietary, prior
20 to disclosure, the commissioner shall notify the insurer or filer in writing of the
21 request and the commissioner's determination of whether or not the information so
22 requested is subject to disclosure.

23 (b) Within ten days of receipt of the notification, the insurer or filer may
24 request a hearing before the division of administrative law in accordance with R.S.
25 22:2191 et seq. In the event of a hearing request, the commissioner's determination
26 as to whether the information is confidential, trade secret, or proprietary shall be
27 stayed.

28 (c) Any action brought pursuant to this Paragraph shall be tried by preference
29 and in a summary manner. The court may review the documents in-camera before
30 reaching a decision.

1 (3) Nothing in this Subsection precludes the public examination or
 2 reproduction of any record or part of a record which is not confidential, proprietary,
 3 or trade secret.

4 * * *

5 §1465. Disapproval of filings; rates; procedures

6 A.(1) ~~The commissioner shall disapprove a rate in a competitive market only~~
 7 ~~if he determines that the rate is inadequate or unfairly discriminatory.~~ The
 8 commissioner shall disapprove a rate ~~for use in a noncompetitive market only~~ if he
 9 determines that the rate is excessive, inadequate, or unfairly discriminatory.

10 * * *

11 (4) If a rate filing is determined to be excessive, inadequate, or unfairly
 12 discriminatory pursuant to the provisions of this Subpart, the commissioner may
 13 direct the insurer to collect additional premiums to ensure that the rate is adequate
 14 or ~~to~~ require a refund of any sums deemed to be discriminatory or excessive.

15 * * *

16 Section 2. R.S. 22:1451(D), 1452(C)(4) and (15), 1453, and 1455 are hereby repealed
 17 in their entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____