

2026 Regular Session

HOUSE BILL NO. 95

BY REPRESENTATIVE BACALA

INSURANCE/HEALTH: Provides relative to health insurance coverage with respect to certain claims

1 AN ACT

2 To enact R.S. 9:2800.31, relative to the recovery of damages; to provide relative to damages  
3 arising out of an automobile accident; to provide with respect to the use of health  
4 insurance; to provide for definitions; to provide for limitations of liability; to provide  
5 for recoverable amounts; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.31 is hereby enacted to read as follows:

8 §2800.31. Limitation of liability; failure to use applicable health insurance  
9 coverage; automobile accidents

10 A. For the purposes of this Section, "health insurance coverage" means  
11 benefits consisting of healthcare services provided through insurance,  
12 reimbursement, or otherwise which includes items and services paid for as healthcare  
13 services under any hospital or medical service policy or certificate, hospital or  
14 medical service plan contract, preferred provider organization agreement, or health  
15 maintenance organization contract offered by a health issuer, the office of group  
16 benefits, Medicare, Medicaid, or equivalent state health plans.

17 B. In any action for recovery of past medical expenses arising out of an  
18 automobile accident, if the claimant has applicable health insurance coverage and the  
19 claimant failed to utilize the health insurance coverage, the recovery of past medical

1 expenses shall not exceed the amount that would have been paid by the claimant's  
2 health insurance coverage.

3                   C. The provisions of this Section do not apply to claims made pursuant to the  
4                   Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq.

# 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 95 Original

2026 Regular Session

Bacala

**Abstract:** Provides relative to recovery of damages in an automobile accident when a claimant does not use available health insurance.

Proposed law defines "health insurance coverage".

Proposed law provides that the recovery of past medical expenses shall not exceed the amount the claimant's health insurance would have paid.

Proposed law does not apply to claims made pursuant to the La. Workers' Compensation Law as provided in present law (R.S. 23:1020.1 et seq.).

(Adds R.S. 9:2800.31)