2017 Regular Session

HOUSE BILL NO. 283

BY REPRESENTATIVE SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ADMINISTRATIVE PROCEDURE: Provides relative to judicial review of administrative hearings involving actions of the commissioner of insurance

1	AN ACT
2	To amend and reenact R.S. $49:964(A)(2)$ and $992(B)(2)$ and (3) and $(D)(1)$ and to enact R.S.
3	49:992(D)(10), relative to judicial review of decisions or orders of administrative
4	law judges arising from the Louisiana Insurance Code; to provide for filing of
5	petitions for judicial review by the commissioner of insurance; to provide for judicial
6	review by the Nineteenth Judicial District Court; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 49:964(A)(2) and 992(B)(2) and (3) and (D)(1) are hereby amended
9	and reenacted and R.S. 49:992(D)(10) is hereby enacted to read as follows:
10	§964. Judicial review of adjudication
11	А.
12	* * *
13	(2) No Except as provided in R.S. 49:992(D)(10), no agency or official
14	thereof, or other person acting on behalf of an agency or official thereof, shall be
15	entitled to judicial review under this Chapter.
16	* * *
17	§992. Applicability; exemptions; attorney fees; court costs
18	* * *
19	В.
20	* * *

Page 1 of 3

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

1	(2) Except in the instance of adjudications initiated pursuant to Items
2	(D)(2)(b)(iii), (vi), and (vii) of this Section, in an adjudication commenced by the
3	division, the administrative law judge shall issue the final decision or order, whether
4	or not on rehearing, and, except as provided in Paragraph (D)(10) of this Section, the
5	agency shall have no authority to override such decision or order. Upon the issuance
6	of such a final decision or order, the agency or any official thereof shall comply fully
7	with the final order or decision of the administrative law judge unless stayed
8	pursuant to Paragraph (D)(10) of this Section.
9	(3) Nothing in this Section shall affect the right to or manner of judicial
10	appeal in any adjudication, irrespective of whether or not such adjudication is
11	commenced by the division or by an agency. However, except as provided in
12	Paragraph (D)(10) of this Section, no agency or official thereof, or other person
13	acting on behalf of an agency or official thereof, shall be entitled to judicial review
14	of a decision made pursuant to this Chapter.
15	* * *
16	D.(1) Except as provided in Paragraphs (2) through (9) (10) of this
17	Subsection, the provisions of this Chapter shall apply to any board, commission,
18	department, or agency of the executive branch of state government.
19	* * *
20	(10) Any decision or order of an administrative law judge in an adjudication
21	proceeding involving:
22	(a) Any fine.
23	(b) Revocation, denial, or suspension of any license, certificate, or
24	registration.
25	(c) Any order or directive issued pursuant to Title 22 of the Louisiana
26	Revised Statutes of 1950.
27	* * *
28	Section 2. This Act shall become effective January 1, 2018.

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 283 Original	2017 Regular Session	Seabaugh
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Abstract: Authorizes the commissioner of insurance to seek judicial review by the district court of decisions by administrative law judges.

<u>Present law</u> generally prohibits any state agency, or official of the agency, from seeking judicial review of a decision by an administrative law judge.

<u>Proposed law</u> changes <u>present law</u> by authorizing the commissioner of insurance to appeal decisions by an administrative law judge involving the following:

(1) Fines.

- (2) Revocation, denial, or suspension of any license, certificate, or registration.
- (3) Any order or directive issued pursuant to Title 22 of the Louisiana Revised Statutes of 1950.

Effective Jan. 1, 2018.

(Amends R.S. 49:964(A)(2) and 992(B)(2) and (3) and (D)(1); Adds R.S. 49:992(D)(10))