

2018 Regular Session

SENATE BILL NO. 139

BY SENATOR LUNEAU

INSURERS. Provides the option of a right of direct action against the insurer alone when the insured is a small business employing fifty or fewer full-time employees. (8/1/18)

AN ACT

1 To enact R.S. 22:1269(B)(1)(g), relative to civil actions against insurers; to authorize direct
 2 action against the insurer alone under certain circumstances; to authorize direct
 3 actions involving certain small businesses; to provide for terms, conditions, and
 4 procedures; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1269(B)(1)(g) is hereby enacted to read as follows:

7 §1269. Liability policy; insolvency or bankruptcy of insured and inability to effect
 8 service of citation or other process; direct action against insurer

9 * * *

10 B.(1) The injured person or his survivors or heirs mentioned in Subsection
 11 A of this Section, at their option, shall have a right of direct action against the insurer
 12 within the terms and limits of the policy; and, such action may be brought against the
 13 insurer alone, or against both the insured and insurer jointly and in solido, in the
 14 parish in which the accident or injury occurred or in the parish in which an action
 15 could be brought against either the insured or the insurer under the general rules of
 16 venue prescribed by Code of Civil Procedure Art. 42 only; however, such action may
 17 be brought against the insurer alone only when at least one of the following applies:

