

2019 Regular Session

HOUSE RESOLUTION NO. 220

BY REPRESENTATIVE GAROFALO

A RESOLUTION

To authorize and request the Louisiana State Law Institute to study and make recommendations regarding the provisions of the Louisiana Insurance Code, comprising Title 22 of the Louisiana Revised Statutes of 1950, concerning payment of claims, penalties, and attorney fees under the Louisiana Insurance Code.

WHEREAS, the subject and availability of insurance is of great interest and importance to the people and businesses of this state; and

WHEREAS, each year the legislature attempts to address insurance legislation concerning a myriad of proposals dealing with insurance, insurers, claims, regulations, and interrelated matters; and

WHEREAS, the purpose of Title 22 of the Louisiana Revised Statutes of 1950, known and cited as the Louisiana Insurance Code, is to regulate the insurance industry in all of its phases; and

WHEREAS, the purpose of the Louisiana State Law Institute is to promote and encourage the clarification and simplification of the law of Louisiana and its better adaptation to present social needs; to secure the better administration of justice; and to carry on scholarly legal research and scientific legal work; and

WHEREAS, the Louisiana Insurance Code contains several provisions that provide for causes of action and recovery of penalties or attorney fees, or both, from insurance companies; and

WHEREAS, these provisions of the Louisiana Insurance Code differ depending upon the nature or type of the underlying insurance policy at issue; and

WHEREAS, as amended, these provisions of the Louisiana Insurance Code appear to be inconsistent and require study and possible revision; and

WHEREAS, there is an overriding public need to carefully study and deliberate prior to recommending changes to the Louisiana Insurance Code to maintain the confidence of the public in the insurance industry, its products, and the regulatory agencies and departments of the state and their operation, independence, and reliability; and

WHEREAS, the study of the relevant provisions of the Louisiana Insurance Code and proposals for revisions or amendments would bring clarity and certainty to this important area of Louisiana's insurance laws.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and request the Louisiana State Law Institute to study the laws concerning the award of penalties and attorney fees under the provisions of the Louisiana Insurance Code and make recommendations to the legislature of proposed legislation.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a report detailing the results of its study and any proposed legislation to the Legislature of Louisiana no later than February 1, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the president of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES