

2020 Regular Session

HOUSE BILL NO. 84

BY REPRESENTATIVE GREEN

INSURANCE/AUTOMOBILE: Provides relative to disclosure of automobile liability insurance coverage limits to a third party claimant

1 AN ACT

2 To enact R.S. 22:1892.2, relative to the provision of automobile liability insurance coverage  
3 limits; to require disclosure of policy limits to certain persons; to provide for  
4 procedure for disclosure; to provide with respect to liability; to provide for  
5 confidentiality; to provide for retroactive application; to provide for effectiveness;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:1892.2 is hereby enacted to read as follows:

9 §1892.2. Disclosure of policy coverage information upon written request;  
10 procedure; confidentiality

11 A.(1) Every insurer providing automobile insurance coverage in this state  
12 and which is or may be liable to pay all or part of a third party claim arising out of  
13 an automobile accident shall provide, within thirty days of receiving a written  
14 request from the claimant or his attorney, a statement that includes each known  
15 policy of motor vehicle liability insurance issued by it that may provide coverage for  
16 the subject accident. The statement shall include the name of the insurer, the name  
17 of each insured, and the limits of coverage, or that the insurer did not issue a policy  
18 that might provide coverage for the automobile accident.

19 (2)(a) The written request shall include both of the following:

20 (i) The specific nature of the claim being asserted.

1           (ii) A copy of the accident report from which the claim is derived.

2           (b) If the written request is made by an attorney, the request shall state that  
3 the attorney is authorized to make such a request and provide the name of the  
4 claimant upon whose behalf the request is made.

5           (c) The written request shall be delivered to the insurer's designated agent  
6 for service of process by certified mail.

7           B. If the written request provided for in Subsection A of this Section does  
8 not contain sufficient information to allow compliance with this Section, the insurer  
9 upon whom the request was made shall respond to the claimant or his attorney in  
10 writing, sent by certified mail to the address provided by the claimant or his attorney  
11 in the original request, stating the specific additional information needed to respond  
12 to the request.

13           C. An insurer that provides a copy of the declaration page of each policy that  
14 may provide third party coverage shall be in compliance with the requirements of  
15 this Section.

16           D. The information provided to a claimant or his attorney as required by  
17 Subsection A of this Section shall not create a waiver of any defenses to coverage  
18 available to the insurer, shall not be deemed an admission of liability by the insurer  
19 or its insured, and shall not be admissible in evidence.

20           E. The information provided to a claimant or his attorney as required in  
21 Subsection A of this Section shall be amended upon the discovery of facts  
22 inconsistent with or in addition to the information provided.

23           F. The information received by a claimant or his attorney pursuant to this  
24 Section is confidential and shall not be disclosed to any outside party. Upon final  
25 disposition of the claim, the claimant, or his attorney, shall destroy all information  
26 received pursuant to this Section.

27           G. The provisions of this Section shall be enforced through the provisions  
28 of the Louisiana Insurance Code.

1 Section 2. The provisions of this Act shall be given prospective and retroactive  
2 application and shall apply to all pending claims and causes of action that have not been by  
3 resolved by settlement or judicial award on or before the effective date of this Act.

4 Section 3. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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### 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)]

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HB 84 Original

2020 Regular Session

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**Abstract:** Requires an automobile insurer to provide information about liability policy limits to a third party claimant or his attorney.

Proposed law requires an automobile insurer to provide liability policy limits to a third party claimant or his attorney within 30 days of receipt of a written request from the claimant or his attorney.

Proposed law requires the insurer to disclose the following:

- (1) The insurer's name.
- (2) The name of each insured.
- (3) An indication of coverage limits or that the insurer did not issue a policy that provides coverage for the automobile accident.

Proposed law requires a claimant or his attorney to make a written request for such disclosure. The written request must include:

- (1) The specific nature of the claim being asserted.
- (2) A copy of the accident report from which the claim is derived.

Proposed law allows an insurer, in order to respond to a written request, to request more information if the written request by the claimant or his attorney is insufficient.

Proposed law allows an insurer to provide the declaration page for each policy that may provide coverage to comply with proposed law.

Proposed law provides that complying with proposed law does not create a waiver of defense, is not an admission of liability, and is not admissible in evidence.

Proposed law provides that the information obtained pursuant to proposed law shall remain confidential and shall be destroyed by the recipient upon final disposition of the claim.

Proposed law provides that the provisions of proposed law shall be enforced through present law.

Proposed law provides that the provisions of proposed law will be given both prospective and retroactive application, inclusive of any claims and causes of action that have not been settled or resolved by judicial award at the time of the effective date.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 22:1892.2)