
DIGEST

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HB 474 Original

2021 Regular Session

Mincey

Abstract: Creates a presumption that a hit-and-run driver caused the damage resulting from the accident.

Present law (R.S. 14:100) provides for the crime of hit-and-run driving.

Proposed law provides that any person who commits the crime of hit-and-run driving shall be presumed to have caused the damage resulting from the accident.

Present law (R.S. 22:1973) provides that certain acts, if knowingly committed or performed by an insurer, constitute a breach of the insurer's duties of good faith and fair dealing.

Proposed law provides that denying a claim made by the victim of an insured who commits the crime of hit-and-run driving on the grounds that the claimant cannot prove that the insured caused the damage resulting from the accident constitutes a breach of the insurer's duties of good faith and fair dealing.

Present law imposes penalties assessed against the insurer for breach of the insurer's duties in an amount not to exceed two times the damages sustained or \$5,000, whichever is greater.

Proposed law provides that penalties shall not be assessed against the insurer for denying a claim pursuant to proposed law if there is shown to be no liability on the part of the hit-and-run driver.

(Amends R.S. 22:1973(C); Adds R.S. 9:2799.7 and R.S. 22:1973(B)(7))