

Regular Session, 2011

HOUSE BILL NO. 275

BY REPRESENTATIVE BISHOP

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

INSURANCE/POLICIES: Allows for the transmission of insurance policies and supporting documents

1 AN ACT

2 To amend and reenact R.S. 22:867(C) and 873(A) and (B), relative to the methods of
3 delivery of an insurance policy or evidence of insurance; to provide for methods of
4 transmitting insurance policies and supporting documents; to provide for electronic
5 transaction of documents; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:867(C) and 873(A) and (B) are hereby amended and reenacted
8 to read as follows:

9 §867. Must contain entire contract with exceptions

10 * * *

11 C. Any written agreement in conflict with, modifying, or extending the
12 coverage of any contract of insurance shall be deemed to be physically made a part
13 of a policy or other written evidence of insurance, within the meaning of this Section,
14 whenever such written agreement makes reference to such policy or evidence of
15 insurance and is sent to the holder of such policy or evidence of insurance by United
16 States mail, postage prepaid, at such holder's last known address as shown on such
17 policy or evidence of insurance, by electronic transaction in accordance with the
18 Louisiana Uniform Electronics Transactions Act, R.S. 9:2601 et seq., or is personally
19 delivered to such holder.

20 * * *

1 §873. Delivery of policy

2 A. Subject to the insurer's requirements as to payment of premium, every
3 policy shall be delivered to the insured or to the person entitled thereto within a
4 reasonable period of time after its issuance. Delivery may be by the United States
5 Postal Service, personal delivery, private courier, or by electronic transaction in
6 accordance with the Louisiana Uniform Electronics Transactions Act, R.S. 9:2601
7 et seq.

8 B. In the event the original policy is delivered or is so required to be
9 delivered to or for deposit with any vendor, mortgagee, or pledgee of any motor
10 vehicle or aircraft, and in which policy any interest of the vendee, mortgagor, or
11 pledgor in or with reference to such vehicle or aircraft is insured, a duplicate of such
12 policy, or memorandum thereof setting forth the type of coverage, limits of liability,
13 premiums for the respective coverages, and duration of the policy, shall be delivered
14 by the vendor, mortgagee, or pledgee to each such vendee, mortgagor, or pledgor
15 named in the policy or coming within the group of persons designated in the policy
16 to be so included. Delivery may be by the United States Postal Service, personal
17 delivery, private courier, or by electronic transaction in accordance with the
18 Louisiana Uniform Electronics Transactions Act, R.S. 9:2601 et seq.

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)]

Bishop

HB No. 275

Abstract: Allows electronic transmission and other methods of delivery of insurance policies or evidence of insurance, along with supporting documents, from the insurer to the insured.

Present law provides that any written agreement in conflict with, modifying, or extending the coverage of any insurance contract is deemed to be physically made a part of a policy or other written evidence of insurance whenever the written agreement makes reference to the policy or evidence of insurance and is sent to the policyholder by U.S. mail, postage prepaid, at the policyholder's last known address as shown on the policy or is personally delivered to the policyholder.

Proposed law retains present law but adds that electronic transmission is an acceptable form of delivery.

Present law requires every policy to be delivered to the insured within a reasonable period of time after its issuance.

Proposed law retains present law but adds delivery by U.S. mail, personal delivery, private courier, and electronic transmission as acceptable forms of delivery.

Present law requires the delivery of a duplicate policy or memorandum to any vendee, mortgagor, or pledgor named in the policy when the original policy of any motor vehicle or aircraft is delivered to any vendor, mortgagee, or pledgee.

Proposed law retains present law but adds delivery by U.S. mail, personal delivery, private courier, and electronic transmission as acceptable forms of delivery.

(Amends R.S. 22:867(C) and 873(A) and (B))