
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Horne.

DIGEST

Present law provides for cancellation by the insured of any policy or binder upon written notice to the insurer and surrender of the policy or binder prior to or on the effective date of such cancellation. Requires that within 30 days following such cancellation the insurer pay to the insured or to the person entitled thereto, any unearned portion of any premium paid on the policy as computed on the customary pro rata rate or as otherwise specified in the policy.

Proposed law retains present law but provides the payment of unearned premium be paid as computed on the customary pro rata rate unless otherwise stated in a policy filed with the commissioner.

Present law provides that in the event a personal line or commercial line insurance policy is canceled, any unearned premium and commission shall be computed on a pro rata basis.

Proposed law deletes present law.

Present law provides that if no premium has been paid on the policy, the insured shall be liable to the insurer for premium for the period during which the policy was in force. Provides that except for surplus line insurers, any assessment of a monetary penalty by an insurer against an insured as a result of the insured's cancellation prior to the expiration of any policy is prohibited.

Proposed law retains present law and adds provisions that nothing in present law shall prohibit an insurer from calculating unearned premium based on a short-rate provision contained in any insurance policy that has been filed with the commissioner.

Effective August 15, 2011.

(Amends R.S. 22:885(B))