

Regular Session, 2011

SENATE BILL NO. 169

BY SENATOR CLAITOR

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

AUTOMOBILE INSURANCE. Provides for payment of medical claims by the insurer.
(8/15/11)

AN ACT

To amend and reenact R.S. 22:1891, relative to automobile liability coverage; to provide for payment of medical payment coverage and claims to the insured or his authorized representative; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1891 is hereby amended and reenacted to read as follows:

§1891. Automobile liability coverage, medical payments

A. A policy of automobile liability insurance which provides for medical payments coverage shall not limit the time period during which the insured is entitled to payment or reimbursement for medical expenses incurred as a result of injuries caused by a covered accident when the injuries are diagnosed within one year of the accident and are reported to the insurer within three years of the accident.

B. Pursuant to an automobile insurance policy which provides for medical payment coverage, and the insured has opted for medical payment coverage, only the insured or his authorized representative shall have the right to file a claim with the property and casualty insurer and be paid by the property and casualty insurer. The adjudication or payment of a claim by a

1 **property and casualty insurer in violation of this Subsection shall subject the**
2 **property and casualty insurer to the provisions pursuant to R.S. 22:18. Nothing**
3 **contained in the automobile insurance policy shall abrogate the rights of the**
4 **insured under this Subsection.**

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

DIGEST

Present law provides that a policy of automobile liability insurance which includes medical payments coverage shall not limit the time period during which the insured is entitled to payment or reimbursement for medical expenses incurred when the injuries are diagnosed within one year of the accident and are reported to the insurer within three years of the accident.

Proposed law retains present law.

Proposed law requires that only the insured or his authorized representative has the right to file a claim with the property and casualty insurer and be paid by a property and casualty insurer. Requires that any adjudication or payment of a claim by a property and casualty insurer in violation of proposed law shall subject the insurer to penalties including, but not limited to, suspension, revocation of the insurer's license or fines. Provides that nothing in the policy provision shall abrogate the rights of the insured under proposed law.

Effective August 15, 2011.

(Amends R.S. 22:1891)