

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 enact R.S. 22:1881, relative to automobile liability coverage; to prohibit health insurance issuers from seeking recovery from insurers providing automobile medical payment coverage without written consent; to prohibit reimbursements that exceed amounts actually paid by an insurer or insurance provider; to provide for payment of court costs and attorney fees in certain cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1881 is hereby enacted to read as follows:

§1881. Reimbursement of monies paid to health insurers under automobile medical payment provisions; limitation on amounts reimbursed; court costs and attorney fees

A. Except as provided in this Section, no health insurance issuer shall seek reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining the prior written consent of the insured or member or his legal representative.

B. The provisions of the Section shall not prohibit or impair the rights of an insurer or provider from seeking reimbursement of monies paid pursuant

1 **to an insurance policy, plan, or self-insurance fund provided the total amount**
 2 **to be reimbursed shall not exceed the amount actually paid by the insurer or**
 3 **provider.**

4 **C. Any person seeking to enforce the provisions of this Section shall be**
 5 **entitled to recover court costs and reasonable attorney fees in any successful**
 6 **action or proceeding to enforce the provisions of this Section.**

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

DIGEST

Claitor (SB 169)

Proposed law prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining prior written consent of the insured or member or his legal representative.

Proposed law does not prohibit or impair the rights of an insurer or provider from seeking reimbursement of monies paid ; however, the total amount to be reimbursed is not to exceed the amount actually paid by the insurer or provider.

Proposed law requires that a person seeking to enforce the proposed law be entitled to recover court costs and attorney fees in any action or proceeding to enforce proposed law.

Effective August 15, 2011

(Adds R.S. 22:1881)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill.

1. Prohibits a health insurance issuer from seeking reimbursement from an insurer that provides automobile medical payment coverage to the health insurance issuer's insured or member without obtaining prior written consent of the insured or member or his legal representative.
2. Provides for the rights of an insurer or provider to seek reimbursement of monies paid pursuant to the insurance policy provided the total amount to be reimbursed shall not exceed the amount actually paid by the insurer or provider.
3. Requires any person seeking to enforce these provisions to be entitled to recover court costs and reasonable attorney fees in any successful action or proceeding.