HLS 14RS-2368 **ORIGINAL**

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 164

BY REPRESENTATIVE HUVAL

INSURANCE/AUTOMOBILE: Requests the Louisiana Department of Insurance to study amending R.S. 22:1295, uninsured motorist coverage, to clarify uninsured motorist rejection form rules

1	A CONCURRENT RESOLUTION
2	To urge and request the Louisiana Department of Insurance to study the feasibility of
3	amending R.S. 22:1295, uninsured motorist coverage, to clarify uninsured motorist
4	rejection form rules, and to report its findings to the legislative committees on
5	insurance.
6	WHEREAS, R.S. 22:1295 provides that no automobile liability insurance covering
7	liability arising out of the ownership, maintenance, or use of any motor vehicle shall be
8	delivered or issued for delivery in this state with respect to any motor vehicle designed for
9	use on public highways and required to be registered in this state unless
10	uninsured/underinsured motorist coverage is provided therein in an amount equal to the
11	liability limits chosen by the insured; and
12	WHEREAS, R.S. 22:1295 allows any insured named in the automobile liability
13	policy to either reject uninsured/underinsured motorist coverage, select lower limits, or
14	select economic-only coverage; and
15	WHEREAS, R.S. 22:1295 provides that the rejection, selection of lower limits, or
16	selection of economic-only limits shall be made only on a form prescribed by the
17	commissioner of insurance; and
18	WHEREAS, R.S. 22:1295 provides that a properly completed and signed form
19	creates a rebuttable presumption that the insured knowingly rejected coverage, selected a
20	lower limit, or selected economic-only coverage; and
21	WHEREAS, the courts of this state have held that the failure to properly complete
22	and sign the selection form invalidates the form and results in the policy providing uninsured

1 motorist coverage in an amount equal to the liability limits although the policy's premium 2 was calculated based upon the insured's rejection of uninsured/underinsured motorist 3 coverage, selection of lower limits, or selection of economic-only coverage; and 4 WHEREAS, R.S. 22:1295 is silent concerning what constitutes a properly completed 5 and signed form. 6 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana requests the 7 Department of Insurance to conduct a study on what constitutes a properly completed and 8 signed uninsured/underinsured motorist coverage selection form and recommend possible 9 amendments to R.S. 22:1295 based on the findings of this study. 10 BE IT FURTHER RESOLVED that the Department of Insurance shall submit its 11 findings from the study in the form of a report to the House Committee on Insurance and the 12 Senate Committee on Insurance on or before January 15, 2015. 13 BE IT FURTHER RESOLVED that such a study include a review of other states to 14 determine if any other states presume that uninsured/underinsured motorist coverage is 15 triggered by operation of law, that uninsured/underinsured motorist coverage is required 16 when the selection reform contains merely technical errors, what constitutes technical errors, 17 whether uninsured/underinsured motorist coverage is provided when the insured has not paid 18 a premium for such coverage, and whether an insured is charged with a duty to recognize 19 that the policy does not provide uninsured/underinsured motorist coverage when the 20 declaration page does not contain a premium charge for such coverage.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the commissioner of insurance.

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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)]

Huval HCR No. 164

Urges and requests the Department of Insurance to conduct a study of what should constitute a properly completed and signed uninsured/underinsured motorist coverage selection and what should constitute technical errors that should not invalidate the selection form.