

Regular Session, 2014

HOUSE BILL NO. 1192

BY REPRESENTATIVE HUVAL

INSURANCE: Repeals the right of direct action against an insurer

1 AN ACT

2 To repeal R.S. 22:1269(B), relative to direct action against insurers; to repeal the right of
3 direct action against an insurer.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 22:1269(B) is hereby repealed in its entirety.

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

HB No. 1192

Abstract: Repeals the right of direct action against an insurer.

Present law allows a lawsuit for damages to be brought directly against an insurer. An action for damages may be brought against the insurer alone or against the insurer and the insured jointly. Such an action may be brought against the insurer alone only when the following applies:

- (1) The insured is determined to be bankrupt or proceedings have been commenced to determine the insured is bankrupt.
- (2) The insured is insolvent.
- (3) Service of citation or other process cannot be made on the insured.
- (4) When the cause of action is for damages as a result of an offense or quasi-offense between children and their parents or between married persons.
- (5) When the insurer is an uninsured motorist carrier.
- (6) The insured is deceased.

Proposed law repeals present law.

(Repeals R.S. 22:1269(B))