

ACT No. 19

2021 Regular Session

HOUSE BILL NO. 236

BY REPRESENTATIVE EMERSON

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

Provides relative to Louisiana Life and Health Insurance Guaranty Association Law

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AN ACT

To amend and reenact R.S. 22:2084(6) and (7) and 2099, relative to the Louisiana Life and Health Insurance Guaranty Association; to remove past date references; to modify relative to prospective application; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2084(6) and (7) and 2099 are hereby amended and reenacted to read as follows:

§2084. Definitions

As used in this Part:

* * *

(6) "Impaired insurer" means a member insurer which, ~~after August 1, 2018,~~ is not an insolvent insurer; and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(7) "Insolvent insurer" means a member insurer which, ~~after August 1, 2018,~~ is placed under an order by a court of competent jurisdiction with a finding of insolvency.

* * *

1 §2099. Prospective application

2 A. This Part ~~shall~~ does not apply to any member insurer meeting either of the
3 following criteria:

4 (1) Any insurer, other than a health maintenance organization described in
5 Paragraph (2) of this Subsection, or its subsidiary, or an insurance holding company
6 system or its directly or indirectly related agent, affiliate, or other entity that is
7 insolvent, ~~or~~ impaired, or unable to fulfill its contractual obligations before ~~August~~
8 ~~1, 2018~~ September 30, 1991.

9 (2) Any health maintenance organization that is insolvent, impaired, or
10 unable to fulfill its contractual obligations before August 1, 2018.

11 B. The provisions of this Part effective on September 30, 1991, and
12 subsequent amendments thereto apply prospectively from their effective dates and
13 govern liability for assessments, offsets, refunds, and any other matters relating to
14 all member insurers not identified in Subsection A of this Section.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____