Both laws require the commissioner to adopt a regulation to provide to qualified active military personnel for the liability portion of their personal automobile liability policy. The amendment created an insurance premium discount program for active military personnel based in Louisiana. The amendment thereto as set forth in Acts 2005, No. 408 of the Louisiana Legislature, Regular Session, as well as to implement the military discount program and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.

A. This regulation applies to all motor vehicle insurers authorized to engage in the business of writing personal automobile liability insurance in this state. It is also applicable to any personal automobile liability insurance policy purchased in this state from an authorized insurer by active military personnel based in Louisiana to cover personal motor vehicles owned and/or insured by such active military personnel.

A. The purpose of this regulation is to implement the provisions of this regulation and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.

A. This regulation is adopted pursuant to R.S. 22:11 and R.S. 22:1482.

A. The purpose of this regulation is to implement the provisions of Acts 2004, No. 770 of the Louisiana Legislature, Regular Session, as well as to implement the amendment thereto as set forth in Acts 2005, No. 408 of the Louisiana Legislature, Regular Session. The original law created an insurance premium discount program for active military personnel based in Louisiana. The amendment creates a program whereby an insurer is entitled to a tax credit against the premium taxes imposed under R.S. 22:838 and R.S. 22:831 for the amount of the military discount provided to qualified active military personnel for the liability portion of their personal automobile liability policy. Both laws require the commissioner to adopt a regulation to implement the military discount program and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.

**Chapter 95. Regulation 81—Military Personnel—Automobile Liability Insurance Premium Discount and Insurer Premium Tax Credit Program**

**§9501. Authority**

A. This regulation is adopted pursuant to R.S. 22:11 and R.S. 22:1482.

**§9503. Purpose**

A. The purpose of this regulation is to implement the provisions of Acts 2004, No. 770 of the Louisiana Legislature, Regular Session, as well as to implement the amendment thereto as set forth in Acts 2005, No. 408 of the Louisiana Legislature, Regular Session. The original law created an insurance premium discount program for active military personnel based in Louisiana. The amendment creates a program whereby an insurer is entitled to a tax credit against the premium taxes imposed under R.S. 22:838 and R.S. 22:831 for the amount of the military discount provided to qualified active military personnel for the liability portion of their personal automobile liability policy. Both laws require the commissioner to adopt a regulation to implement the military discount program and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.

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A. This regulation is adopted pursuant to R.S. 22:11 and R.S. 22:1482.

A. The purpose of this regulation is to implement the provisions of this regulation and to develop procedures for an insurer to follow to claim a tax credit and for other related matters.
Automobile Liability Insurance Policy—a policy of insurance acquired in this state, insuring personal motor vehicles of the types described in R.S. 22:1266(A)(1)(a)-(b), and motorcycles of the types described in R.S. 32:1252(30), which provides coverage for bodily injury and property damage liability, medical payments and uninsured motorists coverage as provided in R.S. 22:1266(A)(2). Golf carts, go-carts, off-road vehicles, all-terrain vehicles and other similar motorized vehicles are not motor vehicles for the purposes of R.S. 22:1266(A)(1)(a)-(b) and are not motorcycles for the purposes of R.S. 32:1252(30).

Commissioner—the Commissioner of Insurance for the state of Louisiana.

Direct Written Premium—the premium charged by an insurer as consideration for an automobile liability insurance policy.

Insured—the individual who qualifies as active military personnel. The spouse and/or any dependents who are under the age of 18 or unmarried full-time students under the age of 24 who are insured under the same policy as the active military personnel are also included in this definition.

LDI—the Louisiana Department of Insurance.

Named Insured—the person identified as such on the policy.

State—the state of Louisiana.


§9511. Calculation of the Premium Discount; Proof of Eligibility

A. All insurers shall grant a discount equal to 25 percent of the premium charged for an automobile liability insurance policy. The discount shall apply to new and renewal business if the named insured retains the status of active military personnel as defined in Regulation 81. For calculation purposes the discount shall only be applied to the premium charged for bodily injury and property damage liability, medical payments and uninsured motorists coverage as per R.S. 22:1266(A)(2) and shall include, but shall not be limited to, all fixed expenses, variable expenses, and policy fees. For interim policy changes, the discount mandated by this Subsection shall be applied on a pro-rata basis in the same manner as similar discount programs, such as good-student discounts, are applied by an insurer.

B. The initial obligation to demonstrate eligibility for the premium discount rests with the AMP. Thus, prior to an insurer applying the premium discount mandated by R.S. 22:1482(A), the AMP shall provide to the insurer a properly executed Louisiana Application for Military Discount on the current form approved by the LDI.

C. An insurer who obtains from an AMP a properly executed Louisiana application for military discount shall be eligible for a rebuttable presumption that the insurer is entitled to claim a tax credit against the premium taxes levied pursuant to R.S. 22:838 and 831.

D. An insurer shall be barred from claiming the benefit of the rebuttable presumption if the insurer knew or should have known that the AMP provided false or fraudulent information on the Louisiana application for military discount and/or the insurer fails, neglects or refuses to report said false or fraudulent information regarding the AMP to the LDI.

E. The initial Louisiana Application for Military Discount shall be properly executed by the AMP and delivered to the insurer. The insurer is required to maintain the original and all subsequent renewals on file for inspection, verification and audit by the LDI to ensure that the AMP is entitled to the premium discount mandated by R.S. 22:1482(A).

F. Active military personnel who is deployed out-of-state or overseas and who is:

1. single, shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1482 and §9515 of this regulation; or

2. married, and has a spouse and dependents who remain in this state, shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1482 and §9515 of this regulation; or

3. is single, and who has dependents who remain in this state, shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1482 and §9515 of this regulation.

G. If single or married AMP are deployed out-of-state or overseas, the insurer is authorized to accept the "Louisiana Application for Military Discount" if it is properly filled out by any one of the persons who is in a filial relationship to the AMP, to wit: spouse, mother, or father, or any brother, sister, aunt or uncle who has attained the age of majority.

H. Although it is the obligation of the AMP to demonstrate eligibility for the premium discount, an insurer has the obligation to act with due diligence with regard to the premium discount program. In furtherance of this due diligence obligation, the insurer may request additional documentation or proof from an AMP to determine initial or continuing eligibility for the discount if the insurer has a legitimate concern with regard to the authenticity or accuracy of any of the information provided by the AMP.

I. At each renewal AMP shall be required to re-execute the Louisiana Application for Military Discount in all respects as required by Regulation 81.

J. The Louisiana Application for Military Discount that must be properly executed by the AMP is set forth in §9519, Louisiana Application for Military Discount—Appendix, of this regulation and is incorporated herein as if set forth herein in extenso.

§9513. Requests for Tax Credit; Documentation; Dispute Resolution

A. The tax credit authorized by R.S. 22:1482(B), as amended, will be requested by an insurer on an annual calendar year basis. The tax credit will be calculated based upon direct written premium. An insurer is eligible to receive a tax credit against the premium tax levied pursuant to R.S. 22:838 and R.S. 22:831 if it is an authorized insurer and the insurer makes a timely request for the tax credit.

B. Insurers seeking a tax credit shall submit a request for premium tax credit to the LDI in accordance with the reporting schedule for premium taxes levied pursuant to R.S. 22:838 and 831 as set forth in the reporting form(s) designed by the commissioner. Insurers shall submit the information required to be maintained by §9515.B of this regulation. A premium tax filing with the tax credit authorized hereunder that does not include the proof required by this regulation will be considered untimely.

C. If the commissioner approves the premium tax filing as being both timely filed and containing all proof required by this regulation, there shall be a rebuttable presumption in favor of the insurer that the insurer is entitled to the tax credit against the premium taxes levied pursuant to R.S. 22:838 and R.S. 22:831.

D. The commissioner may disapprove a tax credit either in whole to the extent that the entire premium tax filing is defective, untimely or improperly documented, or in part to the extent that one portion of the premium tax filing is defective, untimely or improper, but the other portion of the premium tax filing is in compliance with §9513 of this regulation. The commissioner shall use the following criteria with regard to the disapproval, in whole or in part, of a premium tax filing, to wit:

1. the premium tax filing is submitted late, unless the insurer can show good cause for the delay;
2. the premium tax filing is incomplete or required documents are missing;
3. the premium tax filing is excessive because of a military discount was given to a person who was not eligible to receive said military discount.

E. As explained above, if the commissioner disapproves, in whole or in part, a tax credit filed by an insurer, he shall give written notice to the insurer, stating the grounds for disapproval. The notice shall be sent to the address shown on the records of the LDI. An insurer shall have 30 days from the date of the notice to dispute the disapproval by the commissioner. If, within this initial 30-day period the insurer can demonstrate, in writing to the commissioner, good cause for not being able to provide the required documents to dispute the disapproval, the commissioner may grant one 60-day extension to dispute the disapproval by the commissioner. No other extensions shall be granted. Any documents submitted by the insurer in rebuttal to the commissioner's disapproval notice shall be verified as true and accurate by an officer of the insurer.

F. Within 30 days of submission of the verified rebuttal, the commissioner shall enter an order either approving or disapproving, in whole or in part, the request by the insurer for a tax credit against the premium taxes levied pursuant to R.S. 22:838 and R.S. 22:831.

1. If the tax credit is approved, in whole or in part, the commissioner shall grant to the insurer the amount of the tax credit so approved by the commissioner.

2. If the tax credit is disapproved in its entirety, the commissioner shall enter an order denying the entirety of the requested tax credit. The commissioner's order of disapproval shall be given, in writing, to the insurer by certified mail, return receipt requested. Any demand for a hearing shall be filed by an insurer with the commissioner within 30 days after mailing of notice of the order of disapproval to the insurer’s last known address or within 30 days after the delivery of notice of the order of disapproval to the insurer, as provided for by R.S. 22:2191.


§9515. Recordkeeping; Annual Report

A. An insurer issuing an automobile liability insurance policy to an individual who qualifies for the military discount program shall maintain the following records:

1. the items obtained in compliance with §9511 of this regulation;
2. a copy of the declarations page for each policy for which a tax credit is sought.

B. The request for the tax credit shall be made on a form(s) designed by the commissioner. The request for the tax credit form shall require, among other things, that the insurer provide the following information to the LDI with regard to the personal automobile liability insurance coverage issued to an AMP and that this information be provided to the LDI in either an electronic format as per R.S. 22:42 or written format.

1. A detailed listing of all policies for which the tax credit is sought. The listing shall include, at a minimum:
   a. the policy number of each policy;
   b. the effective date of the policy;
   c. the term of the policy;
   d. the gross direct written premium prior to application of the military discount;
   e. the net direct written premium for the liability coverages of the automobile liability insurance policy prior to application of the military discount; and
disappearance to the insurer’s last known address or within 30
days after the delivery of notice of the order of disapproval
to the insurer, as provided for by R.S. 22:2191.

D. No insurer shall be allowed to withdraw from the state
or have its certificate of authority canceled if it has
outstanding tax credit overpayments.

E. Nothing in this regulation shall be construed as a
limitation on any powers or duties otherwise vested in the
commissioner by operation of law.

AUTHORITY NOTE: Promulgated in accordance with R.S.

HISTORICAL NOTE: Promulgated by the Department of
Insurance, Office of the Commissioner, LR 31:675 (March 20,
2005), amended LR 32:96 (January 2006), LR 46:1574 (November
2020).

§9519. Louisiana Application for Military
Discount—Appendix

LOUISIANA APPLICATION FOR MILITARY DISCOUNT

<table>
<thead>
<tr>
<th>Name of Insurance Company</th>
<th>Policy No. or Application No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Name of Active Military Personnel</td>
<td>Date</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>Home Phone</td>
</tr>
<tr>
<td>Home Address</td>
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<tr>
<td>Name of Spouse</td>
<td>Spouse Date of Birth</td>
</tr>
<tr>
<td>(if not applicable, check N/A)</td>
<td>(if not applicable, check N/A)</td>
</tr>
<tr>
<td>Full Name and Date of Birth of Licensed Dependents</td>
<td></td>
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<tr>
<td>(if not applicable, check N/A)</td>
<td></td>
</tr>
<tr>
<td>Copy of Permanent Change of Station (PCS) Orders attached</td>
<td></td>
</tr>
</tbody>
</table>

OR

Permanent Change of Station (PCS) Orders previously submitted

The undersigned hereby certifies that he/she is on active duty and
permanently based in Louisiana and qualifies as "active military personnel"
(AMP) as defined by LSA-R.S. 22:1482 and Regulation 81, and is eligible
for the military discount set forth in LSA-R.S. 22:1482 for personal automobile liability insurance policy. The AMP further certifies that the information provided in this "Louisiana Application For Military Discount" form is true and correct and that he/she will promptly notify his/her automobile insurer of any change in the above information. The AMP acknowledges that any false, fraudulent or misleading statement may subject him/her to civil and criminal penalties, including those penalties set forth in LSA-R.S. 22:1924, and any applicable provisions of Title 14, the Louisiana Criminal Code.


§9903. Purpose

A. The purpose of this regulation is to govern the treatment of nonpublic personal financial information about individuals by all licensees of the state insurance department. This regulation:

1. requires a licensee to provide notice to individuals about its privacy policies and practices;
2. describes the conditions under which a licensee may disclose nonpublic personal financial information about individuals to affiliates and nonaffiliated third parties; and
3. provides methods for individuals to prevent a licensee from disclosing that information.


§9905. Scope and Applicability

A. This regulation applies to:

1. nonpublic personal financial information about individuals who obtain or are claimants or beneficiaries of products or services primarily for personal, family or household purposes from licensees. This regulation does not apply to information about companies or about individuals who obtain products or services for business, commercial or agricultural purposes; and

B. Compliance. A licensee domiciled in this state that is in compliance with this regulation in a state that has not enacted laws or regulations that meet the requirements of Title V of the Gramm-Leach-Bliley Act (PL 102-106) may nonetheless be deemed to be in compliance with Title V of the Gramm-Leach-Bliley Act in such other state.


§9907. Rule of Construction

A. The examples in this regulation and the sample clauses in Appendix A of this regulation are not exclusive. Compliance with an example or use of a sample clause, to the extent applicable, constitutes compliance with this regulation.
