

SENATE BILL NO. 212

BY SENATOR APPEL

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

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(11) and 4.1(B)(11) as amended by Section 2 of Act
3 371 of the 2018 Regular Session and to enact R.S. 22:1290.1, relative to commercial
4 automobile insurance; to require automobile insurers to submit annual data to the
5 commissioner of insurance; to provide for aggregation and public posting of the data;
6 to provide for a sunset date; to provide for confidentiality; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1290.1 is hereby enacted to read as follows:

10 **§1290.1. Commercial automobile insurance losses; annual reporting;**
11 **publication of data; penalties**

12 **A.(1) Beginning on January 1, 2020, each insurance company authorized**
13 **to write automobile insurance in this state shall submit to the commissioner, on**
14 **or before May first of each year, the following information for the prior**
15 **calendar year:**

16 **(a) The total amount of direct paid losses less all deductibles on claims**
17 **involving commercial motor vehicles.**

18 **(b) The number of commercial motor vehicle policies written.**

19 **(c) The direct written premiums for insuring commercial motor vehicles.**

1 **(2) As used in this Section, "commercial motor vehicle" has the meaning**
2 **defined in R.S. 32:401.**

3 **(3) The insurance company shall report the computations to the**
4 **commissioner by federal Zone Improvement Plan (ZIP) code and parish. The**
5 **information received by the commissioner shall be aggregated across all**
6 **insurance companies collectively, and the aggregated totals shall be arranged**
7 **by ZIP code and parish.**

8 **(4) The commissioner shall compile and publish on the department's**
9 **website by June first annually the aggregated total of the data provided for the**
10 **prior calendar year as required by Paragraph (1) of this Subsection by ZIP code**
11 **and parish.**

12 **(5) The commissioner shall post a link to the data aggregated pursuant**
13 **to the provisions of this Section on the department's website in a prominent**
14 **position on the website's home page.**

15 **B. The commissioner shall post on the department's website a general**
16 **description of the ratemaking methodology that the commissioner permits**
17 **insurance companies to use in establishing automobile insurance rates for**
18 **commercial motor vehicles.**

19 **C.(1) Upon written request of an insurance company, the commissioner**
20 **may, for good cause shown, modify or extend for an additional time period the**
21 **reporting requirements of this Section. Any modification or extension granted**
22 **by the commissioner shall be noted on the department's website, along with a**
23 **projected date of compliance. Good cause may include but is not limited to**
24 **either of the following:**

25 **(a) The insurance company's limited percentage of the total automobile**
26 **insurance market in this state.**

27 **(b) The undue burden of compiling and reporting the information**
28 **required by this Section due to the manner, format, or method in which the**
29 **insurance company has stored the information required.**

30 **(2) Any insurance company that fails to timely comply with the reporting**

1 requirements of this Section shall be given notice by the commissioner of the
2 failure and provided thirty days to comply. Any insurance company that fails
3 to comply on or before the thirtieth day, unless the compliance period is
4 modified or extended by the commissioner, shall be fined ten thousand dollars
5 per month by the commissioner until the date of compliance. These fines shall
6 not be waived or reduced except by an Act of the legislature.

7 (3) The commissioner shall waive or modify the reporting requirements
8 of this Section if any of the following apply:

9 (a) The company does not store the information required.

10 (b) The company must materially upgrade, modify, re-devise, or
11 reprogram computer systems to provide the information required.

12 (c) The company is required to significantly divert limited resources to
13 provide the information required.

14 D. Any information reported to the commissioner pursuant to this
15 Section shall be treated as confidential. Use of the information is limited to the
16 purposes authorized in this Section. The information submitted by each insurer
17 pursuant to this Section shall be exempt from the Public Records Law, R.S. 44:1
18 et seq.

19 E. Each report submitted by an insurance company pursuant to this
20 Section shall include a notarized affidavit executed by an executive of that
21 company attesting to the validity of the information reported.

22 F. The commissioner may issue rules and regulations as may be
23 necessary or proper to carry out the provisions of this Section. The rules and
24 regulations shall be promulgated and adopted in accordance with the
25 Administrative Procedure Act, R.S. 49:950 et seq.

26 G. Creditor-placed automobile insurance is excluded from the
27 requirements of this Section.

28 H. The provisions of this Section shall be void on May 1, 2025.

29 Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

30 §4.1. Exceptions

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B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

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Section 3. R.S. 44:4.1(B)(11) as amended by Section 2 of Act 371 of the 2018 Regular Session is hereby amended and reenacted to read as follows:

§4.1. Exceptions

A.

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 574, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1290.1, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303

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1 Section 4. The provisions of Section 3 of this Act shall become effective on
2 January 1, 2020.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____