

LOUISIANA PROPERTY & CASUALTY INSURANCE COMMISSION
MEETING MINUTES

THURSDAY 16 JANUARY 2020

DEPARTMENT OF INSURANCE | Plaza Hearing Room - Poydras Building

Present were the following:

MEMBERS: Lou Fey (Chairman), Jeff Albright (Vice Chairman), Rep. Huval, Senator Kirk Talbot, Ray Aleman Jr., Marc Carter, Paul Buffone, Will Grubbs, Michael Guy, Chris Haik, Ron Henderson, Leslie Sallean, Noble Ellington, Joe O'Connor, Sheral Kellar, Noryn Ward, Commissioner Jim Donelon

LDI STAFF: Tom Travis, Warren Byrd, Nick Lorusso, Charles Hansberry, Michelle Johnson, John Tobler, Danielle Blanchard, Caroline Fletcher

The Chairman called meeting to order at 10:08AM

The Director called the roll and reported the presence of a quorum.

The Commission discussed and voted on the following recommendations for the Annual Report:

- Strengthen and maintain Louisiana State Uniform Construction Code.—No objection
- Ban the manual use of all electronic devices not permanently installed in an automobile.—No objection
- Change civil jury thresholds to \$5,000.—Opposed by Mr. Ellington and Asst. Secy. Kellar
- Limit instances for naming an insurer as a defendant to those where the insured is unable to be served with process.—No objection
- Modify the collateral source rule to exclude expenses that are not due or payable when there is a write-off pursuant to healthcare provider agreements with an insurer or other health coverage issuer.—No objection
- Create a system of referenced based pricing to establish a benchmark of reasonable medical expenses.—Tabled and made a study topic
- Amend La. C.C. P. art. 1812(C)(4) to provide for only one written finding of each element of damages for each plaintiff on a special verdict form.—No objection
- Amend La. R.S. 32:295.1(E) to admit seat belt use as evidence of comparative negligence. Reference 2019 Legislation SB148 Hewitt.—No objection

- Amend La. C.E. 411 to prohibit the reference to the name of an insurer or the retention of counsel by the insurer in a civil proceeding involving an insurer that issues a policy to a party to the suit.—No objection
- Amend La. R.S. 32:866(A), which prohibits the recovery of certain damages for an owner or operator of a motor vehicle who fails to maintain compulsory liability insurance, by raising the insurance requirements.—Tabled without objection
- Amend C.C.P. art. 966 to permit certain evidence in rebuttal to opposition to motion for summary judgment.—No objection
- Amend the Code of Evidence to permit force of impact evidence in personal injury cases.—No objection
- Amend the Code of Evidence to require documentary evidence of past lost wages to support a claim for that element of damages.—No objection
- Amend C.E. art. 408 to permit evidence of settlement to demonstrate why a party is not a defendant in a civil action.—No objection
- Enact requirements for the use of a closed pharmacy formulary in workers' compensation claims to be selected by the Office of Workers' Compensation Administration.—No objection

No objection to study the following topics in 2020:

- Insurance and Technology: monitor and study issues related to the effects of technology regarding the business of insurance and insurance coverage.
- Cybersecurity and Insurance: monitor and study issues related to cybersecurity and insurance.
- Highly Automated Vehicles and Driverless Vehicles: study regulatory and insurance issues that arise with the development of driverless vehicles.
- Federal and International Actions Affecting Insurance and Insurance Regulation: monitor and study the effects of federal laws and regulations and international actions on the affordability and availability of property and casualty insurance.
- Automobile Insurance Market: study the automobile insurance market to determine solutions to the problems with availability and affordability of private passenger and commercial automobile insurance.
- Referenced based pricing for personal injury medical expenses.
- Issues with bad faith laws and court decisions.

Any Other Matters and Public Comments: Announcement of *LDI Convention 2020* scheduled for March 4 & 5 2020

There being no objection, the Chairman adjourned the meeting at 11:54 AM.