

RÉSUMÉ DIGEST

ACT 262 (SB 212)

2019 Regular Session

Appel

New law requires each auto insurance company to submit information regarding commercial motor vehicles to the commissioner each year by May first for the prior calendar year, beginning in 2020. Requires the commissioner to aggregate and publish the information by ZIP code and parish on the dept.'s website and to post a general description of the rate-making methodology used for commercial motor vehicles.

New law provides that "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle meets one of the following requirements:

- (1) Has a gross combination weight rating of more than 26,000 pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds.
- (2) Has a gross vehicle weight rating of more than 26,000 pounds.
- (3) Is designed to transport 16 or more passengers, including the driver.
- (4) Is of any size and is used in the transportation of hazardous materials.

New law specifies that the information shall include:

- (1) The total amount of direct paid losses less all deductibles.
- (2) The number of policies written.
- (3) The direct written premiums.

New law allows the commissioner to authorize late submission. Requires the commissioner to notify a company that fails to report that the company has 30 days to come into compliance. Mandates a \$10,000-per-month fine for continued failure to comply. Provides that fines collected are deposited in the state general fund. Specifies that fines may be waived or reduced only by legislative act.

Requires the commissioner to waive or modify the reporting requirements of proposed law if an insurance company does not store the information; must make material changes to computer systems to provide the information; or must significantly divert limited resources to provide the information.

New law requires the information reported pursuant to new law to be treated as confidential, to be used solely for the purposes authorized in new law, and to be exempt from the Public Records Law.

New law excludes creditor-placed automobile insurance from the requirements of new law.

New law provides that new law shall be void on May 1, 2025.

Provisions relating to Act 371 of 2018 Regular Session are effective January 1, 2020. Remaining provisions effective August 1, 2019.

(Amends R.S. 44:4.1(B)(11) and 4.1(B)(11) as amended by Acts 2018, No. 371, §2; adds R.S. 22:1290.1)