

2017 Regular Session

HOUSE BILL NO. 226

BY REPRESENTATIVE PIERRE

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

INSURANCE: Provides relative to administrative procedure hearings involving actions of the commissioner of insurance

1 AN ACT

2 To amend and reenact R.S. 22:2191(B) and (C), relative to hearings before the division of
3 administrative law regarding matters arising under the Louisiana Insurance Code; to
4 provide for the mailing of a demand for hearing to the commissioner of insurance;
5 to provide an exception for taxes and assessments; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:2191(B) and (C) are hereby amended and reenacted to read as
8 follows:

9 §2191. Hearings

10 * * *

11 B.(1) Any such demand for a hearing shall be filed ~~with the division of~~
12 ~~administrative law and~~ by the aggrieved party with the commissioner within thirty
13 days after mailing of notice of such act or order ~~is mailed, faxed, or delivered~~ to the
14 aggrieved ~~party~~ party's ~~at his~~ last known address, or, in absence of such mailing,
15 within thirty days after the delivery of notice of such act or order to the aggrieved
16 party. Such demand for hearing shall ~~specifying~~ specify in what respects such
17 person is so aggrieved and the grounds ~~to be relied upon as basis for the relief to be~~
18 ~~demanded~~ upon which relief should be granted at the hearing. The aggrieved person
19 shall reference the particular sections of the statutes and rules involved, shall provide
20 a short and plain statement of matters asserted for review, and shall attach a copy of

1 any order or decision of the commissioner for review. The thirty-day period for
2 filing any such demand for a hearing shall be preemptive.

3 (2) The commissioner shall provide the division of administrative law with
4 a copy of a demand for a hearing by the aggrieved party within five days of receipt
5 of the original.

6 (3) The division of administrative law shall hold such hearing demanded
7 within thirty days after receipt of the demand from the commissioner, unless
8 postponed by mutual consent, or upon motion of either party for good cause shown
9 or as ordered by the division of administrative law. In no circumstance shall this
10 hearing be held later than sixty days from the date of the original demand for the
11 hearing unless otherwise agreed upon by all parties.

12 C. This Chapter shall not apply to public hearings held by the commissioner
13 or to any tax or assessment, or penalty, interest, or fine associated with any tax or
14 assessment, collected by the commissioner. Appeals of tax or assessments and
15 penalties, interest, or fines associated therewith shall be to the district court in the
16 parish of East Baton Rouge, unless otherwise provided. The commissioner may
17 promulgate procedures, rules, and regulations for the conduct of any public hearing
18 in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

19 Section 2. This Act shall become effective on January 1, 2018.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 226 Original

2017 Regular Session

Pierre

Abstract: Requires a request for hearing by an aggrieved party be made to the commissioner of insurance within 30 days after delivery of the notice of the action or order being appealed.

Present law provides that the demand for hearing by a person appealing an act, order, or failure to act of the commissioner of insurance be filed with the division of administrative law and the commissioner within 30 days after notice of the act or order is mailed, faxed, or delivered to the aggrieved party at his last known address.

Present law further provides that the division of administrative law hold the demanded hearing within 30 days after receipt of the demand.

Proposed law removes the requirement that the demand for a hearing be filed with the division of administrative law, and requires the commissioner of insurance provide the division of administrative law with a copy of the demand for hearing within five days of receipt of the original by the commissioner. Proposed law requires that the division of administrative law hold the requested hearing within 30 days of receipt of the demand by the division from the commissioner.

Proposed law provides that appeals of tax or assessments, and the penalties, interest, or fines associated with the tax or assessment, shall be to the district court of East Baton Rouge Parish, and not to the division of administrative law.

Effective Jan. 1, 2018.

(Amends R.S. 22:2191(B) and (C))