

2021 Regular Session

HOUSE BILL NO. 74

BY REPRESENTATIVE FRIEMAN

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

INSURERS: Provides relative to the workers' compensation claims office requirement for insurers issuing such policies in Louisiana

1 AN ACT

2 To amend and reenact R.S. 22:337(A)(17) and R.S. 23:1161.1(A) and to enact R.S.
3 23:1161.1(E), relative to workers' compensation insurers; to require insurers issuing
4 workers' compensation policies in Louisiana to maintain a claims office in Louisiana;
5 to remove the requirement that Louisiana licensed claims adjusters retained by
6 foreign and alien insurers be domiciled independently; to make technical changes;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:337(A)(17) is hereby amended and reenacted to read as follows:

10 §337. Refusal, suspension, and revocation of certificate of authority

11 A. The commissioner of insurance may refuse, suspend, or revoke the
12 certificate of authority of a foreign or alien insurer whenever he shall find that such
13 insurer:

14 * * *

15 (17) Fails to maintain a claims office for processing workers' compensation
16 insurance claims in this state, as required by R.S. 23:1161.1, or to retain the services
17 of ~~Louisiana domiciled independent claims adjusters~~ a claims adjuster who possesses
18 a Louisiana license. This Paragraph ~~shall~~ does not apply to reinsurers licensed or
19 accredited to do business in the state.

20 * * *

1 Section 2. R.S. 23:1161.1(A) is hereby amended and reenacted and R.S. 23:1161.1
2 (E) is hereby enacted to read as follows:

3 §1161.1. ~~Worker's~~ Workers' compensation claims office or licensed claims
4 adjusters; waiver

5 A. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who
6 issues a policy for ~~worker's~~ workers' compensation in this state shall either establish
7 and maintain a claims office within the state or retain a ~~licensed~~ claims adjuster who
8 possesses a Louisiana license.

9 * * *

10 E. Any insurer, authorized or unauthorized, domestic, foreign, or alien, who
11 issues a policy for workers' compensation in this state shall be deemed to consent
12 and agree, in the event of the filing of a Disputed Claim for Compensation in which
13 liability for statutory penalties and attorney fees pursuant to R.S. 23:1201 is at issue,
14 to make any relevant claims adjuster available for deposition via telephone or virtual
15 technology such as Zoom, Skype, or other similar technology and is deemed to have
16 consented and agreed to make such relevant adjuster available for in-person
17 testimony, at the insurer's expense, if the Disputed Claim for Compensation goes to
18 trial.

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 74 Reengrossed

2021 Regular Session

Frieman

Abstract: Requires all insurers issuing workers' compensation policies in La. to either maintain a claims office in La. or retain a La. licensed claims adjuster.

Present law requires foreign and alien insurers issuing workers' compensation policies in La. to either maintain a claims office in La. for processing such claims or to retain the services of a La. domiciled independent claims adjuster.

Proposed law retains present law but removes the requirement that the retained La. claims adjuster be domiciled independently.

Present law provides that all insurers who issue workers' compensation policies in this state shall either establish and maintain a claims office within the state or retain a licensed claims adjuster.

Proposed law retains present law but specifies that the retained claims adjuster shall be licensed in La.

Proposed law provides that any insurer issuing workers' compensation policies in La. shall make any relevant claims adjuster available for deposition via telephone or video conferencing in the event a disputed claim for compensation is filed in which liability for statutory penalties and attorneys fees is at issue. Proposed law further provides that insurers make such adjusters available for in person testimony at the insurer's expense if a trial becomes necessary to adjudicate the disputed claim for compensation.

(Amends R.S. 22:337(A)(17) and R.S. 23:1161.1(A); enacts R.S. 23:1161.1 (E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Provide that insurers issuing workers' compensation policies shall make any relevant claims adjuster available, at the insurer's expense, in the event a disputed claim for compensation is filed and later adjudicated.