

Regular Session, 2012

SENATE BILL NO. 441

BY SENATOR NEVERS

LIABILITY. Provides relative to civil actions against insurers. (8/1/12)

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AN ACT

To amend and reenact R.S. 22:1269(B)(1)(introductory paragraph), relative to insurance and liability; to provide relative to civil actions against insurers; to provide for rights of injured persons or their survivors; to provide for certain terms, conditions and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1269(B)(1)(introductory paragraph) is hereby amended and re-enacted to read as follows:

§1269. Liability policy; insolvency or bankruptcy of insured and inability to effect service of citation or other process; direct action against insurer

* * *

B.(1) The injured person or his survivors or heirs mentioned in Subsection A of this Section, ~~at their option,~~ shall have a right of direct action against the insurer within the terms and limits of the policy; and such action may be brought against the insurer alone, or against both the insured and insurer jointly and in solido, in the parish in which the accident or injury occurred or in the parish in which an action could be brought against either the insured or the insurer under the general rules of

1 venue prescribed by Code of Civil Procedure Art. 42 only; however, such action may
2 be brought against the insurer alone when at least one of the following applies:

3 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Nevers (SB 441)

Present law provides that an injured person or his survivors or heirs shall at their option have a right of direct action against the insurer for payment of damages for injuries sustained or loss occasioned during the existence of the policy.

Proposed law removes reference to the option of the injured party or his survivors.

Effective August 1, 2012.

(Amends R.S. 22:1269(B)(1)(intro para))