

# ACT No. 108

Regular Session, 2004

HOUSE BILL NO. 1051

BY REPRESENTATIVE FARRAR

## AN ACT

1 To amend and reenact R.S. 22:1386(A) and (B), relative to the Louisiana Insurance Guaranty  
2 Association; to provide for claims against insurers; to provide for asbestos claims;  
3 to provide for environmental pollutant claims; to provide for procedures; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1386(A) and (B) are hereby amended and reenacted to read as  
7 follows:

8 §1386. Nonduplication of recovery

9 A. Any person having a claim against an insurer under any provision in an  
10 insurance policy, other than a policy of an insolvent insurer which is also a covered  
11 claim, shall be required first to exhaust his rights under such policy. Such other  
12 policies of insurance shall include but shall not be limited to liability coverage,  
13 uninsured or underinsured motorist liability coverage, or both, hospitalization,  
14 coverage under self-insurance certificates, coverage under a health maintenance  
15 organization or plan, preferred provider organization or plan, or similar plan, and any  
16 and all other medical expense coverage. All entities that are prohibited from  
17 recovering against the association, as specified in R.S. 22:1379(3)(b), shall also be  
18 considered insurers for purposes of this Subsection. As to the association, any  
19 amount payable by such other insurance shall act as a credit against the damages of  
20 the claimant, and the association shall not be liable for such portion of the damages  
21 of the claimant. In the case of a claimant alleging personal injury or death caused by  
22 exposure to asbestos fibers or other claim resulting from exposure to, release of, or  
23 contamination from any environmental pollutant or contaminant, such claimant must

