

Regular Session, 2012

HOUSE BILL NO. 1195 (Substitute for House Bill No. 622 by Representative Jackson)

BY REPRESENTATIVE KATRINA JACKSON

INSURANCE/AUTOMOBILE: Provides for deductible reimbursement by uninsured motorists

1 AN ACT

2 To amend and reenact R.S. 32:871(A) and 872(A), relative to uninsured motorists; to  
3 provide for reimbursement for damages; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 32:871(A) and 872(A) are hereby amended and reenacted to read as  
6 follows:

7 §871. Report required following accident; availability

8 A. The operator of every motor vehicle which is in any manner involved in  
9 an accident within this state, in which any person is killed or injured or in which  
10 damage to the property of any one person, including himself, ~~in excess of five~~  
11 ~~hundred dollars is sustained~~, may report, in writing, to the commissioner a claim for  
12 property damages and damages for physical injury sustained as a result of such  
13 accident. Such report, the form of which shall be prescribed by the commissioner,  
14 shall declare in writing that the motor vehicle is covered by security as required by  
15 this Chapter, including the name of the insurance company, policy number, effective  
16 dates of the policy, and the amount of said security, listing the liability limits as well  
17 as bodily injury and property damage limits if also maintained, and such other  
18 information as the commissioner may require to enable him to determine whether the  
19 requirements for the deposit of security under R.S. 32:872 are applicable by reason

1 of the existence of insurance or other exceptions specified in this Chapter. The  
2 commissioner may rely upon the accuracy of the information unless and until he has  
3 reason to believe that the information is erroneous. If such operator is physically  
4 incapable of making such report, the owner of the motor vehicle involved in such  
5 accident, may make such report. The operator or the owner shall furnish such  
6 additional relevant information as the commissioner shall require.

7 \* \* \*

8 §872. Security and proof of financial responsibility required unless evidence of  
9 insurance; when security determined; suspension; exception

10 A. If, twenty days after the receipt of a report of a motor vehicle accident  
11 within this state which has resulted in bodily injury or death, or damage to property  
12 of any one person ~~in excess of five hundred dollars, or if the damage is to property~~  
13 ~~owned by the state of Louisiana in an amount in excess of fifty dollars,~~ the secretary  
14 does not have on file evidence satisfactory to him that the person who would  
15 otherwise be required to file security and give proof of financial responsibility under  
16 Subsection B of this Section has been released from liability, or has been finally  
17 adjudicated not to be liable, or has executed a duly acknowledged written agreement  
18 providing for the payment of an agreed amount in installments with respect to all  
19 claims for injuries or damages resulting from the accident, the secretary shall  
20 determine the amount of security which shall be sufficient in his judgment to satisfy  
21 any judgment or judgments for damages resulting from such accidents as may be  
22 recovered against each operator or owner.

23 \* \* \*

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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)]

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Katrina Jackson

HB No. 1195

**Abstract:** Removes property damage threshold from present law, thereby expanding the circumstances in which motor vehicle operators may report claims for damages to the Dept. of Public Safety and Corrections.

Present law directs motor vehicle operators in this state to report to the commissioner of the Dept. of Public Safety and Corrections a claim for property damages and damages for physical injury in the event that such operator is involved in an accident in this state in which any person is killed or injured or in which property damage of more than \$500.00 is sustained.

Proposed law removes the \$500.00 property damage threshold from present law; otherwise retains present law.

Present law requires the secretary of the Dept. of Transportation and Development, in the event that the presumably responsible person has not posted proof of financial security within 20 days that a report has been made to the commissioner, to determine the amount of security which must be posted to satisfy any forthcoming judgments.

Proposed law removes the \$500.00 property damage threshold in present law; otherwise retains present law.

(Amends R.S. 32:871(A) and 872(A))