

Regular Session, 2008
HOUSE BILL NO. 1312
BY REPRESENTATIVE PONTI

ACT No. 921

1 AN ACT

2 To amend and reenact R.S. 32:861(B)(2), (C)(1)(a) and (b), 866(A)(1) and (F), 894(A), and
3 900(B)(2)(a), (b), and (c), relative to motor vehicle liability policies; to provide for
4 increased minimum liability limits in motor vehicle liability policies for damages
5 resulting from bodily injury, death, or destruction of property; to provide for
6 increased minimum motor vehicle bonds to be secured with the state treasurer for
7 damages resulting from bodily injury, death, or destruction of property; to provide
8 for limited recovery by an uninsured motorist involved in a nonfault motor vehicle
9 accident; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 32:861(B)(2), (C)(1)(a) and (b), 866(A)(1) and (F), 894(A), and
12 900(B)(2)(a), (b), and (c) are hereby amended and reenacted to read as follows:

13 §861. Security required

14 * * *

15 B. "Motor vehicle liability bond" means a bond conditioned:

16 * * *

17 (2) To the amount or limit of:

18 (a) Not less than ~~ten~~ twenty-five thousand dollars for damages to the
19 property of others, and

20 (b) ~~Of not~~ Not less than ~~ten~~ fifteen thousand dollars on account of injury to
21 or death of any one person, and

22 (c) Subject to such limits as respects injury to or death of one person, of not
23 less than ~~twenty~~ thirty thousand dollars on account of any one accident resulting in
24 injury to or death of more than one person.

1 C.(1)(a) The applicant for registration may, in lieu of procuring a motor
2 vehicle liability bond or policy, deposit with the state treasurer cash in the amount
3 of ~~thirty~~ fifty-five thousand dollars, or otherwise pledge, assign, or securitize, to the
4 satisfaction of the state treasurer on such forms and documents as he shall require,
5 which shall constitute a lien thereon in favor of the treasurer for the liabilities set
6 forth in this Section and authorize him to sell same pursuant to Subparagraph (c) of
7 this Paragraph, bonds, stocks, securities, or other evidences of indebtedness
8 satisfactory to said treasurer of a market value of not less than ~~thirty~~ fifty-five
9 thousand dollars as security for the payment by such applicant or by any person
10 responsible for the operation of such applicant's motor vehicle with his express or
11 implied consent of all judgments rendered against such applicant or against such
12 person in actions to recover damages to property or for bodily injuries, including
13 death at any time resulting therefrom, and judgments rendered as aforesaid for
14 consequential damages consisting of expenses incurred by a husband, wife, parent,
15 or tutor for medical, nursing, hospital, or surgical services in connection with or on
16 account of such bodily injuries or death sustained during the term of registration by
17 any person and arising out of the ownership, operation, maintenance, control, or use
18 upon the highways and roads of the state of such motor vehicle to the amount or limit
19 of at least ~~ten~~ twenty-five thousand dollars on account of any such judgment for
20 damages to property or to the amount of ~~ten~~ fifteen thousand dollars for bodily injury
21 or death to any one person or to the amount of ~~twenty~~ thirty thousand dollars for
22 bodily injury or death to more than one person.

23 (b) Upon presentation to the state treasurer by an officer qualified to serve
24 civil process of an execution issued on any such judgment against the registrant or
25 other person responsible as aforesaid, the treasurer shall pay, out of the cash
26 deposited by the registrant as herein provided, the amount of the execution, including
27 costs and interest, up to but not in excess of ~~ten~~ twenty-five thousand dollars for

1 damages to property or ~~ten~~ fifteen thousand dollars to any one person for damages
2 for bodily injury or death or ~~twenty~~ thirty thousand dollars for bodily injury or death
3 to more than one person.

4 * * *

5 §866. Compulsory motor vehicle liability security; failure to comply; limitation of
6 damages

7 A.(1) There should be no recovery for the first ~~ten~~ fifteen thousand dollars
8 of bodily injury and no recovery for the first ~~ten~~ twenty-five thousand dollars of
9 property damage based on any cause or right of action arising out of a motor vehicle
10 accident, for such injury or damages occasioned by an owner or operator of a motor
11 vehicle involved in such accident who fails to own or maintain compulsory motor
12 vehicle liability security.

13 * * *

14 F.(1) Notwithstanding any provision of law to the contrary, no insurer shall
15 lose any rights of subrogation for claims paid under the applicable insurance policy
16 for the recovery of any sum in excess of the first ~~ten~~ fifteen thousand dollars of
17 bodily injury and the first ~~ten~~ twenty-five thousand dollars of property damages.

18 (2) In claims where no suit is filed, the claimant's insurer shall have all rights
19 to recover any amount paid by the claimant's insurer on behalf of the insured for the
20 recovery of any sum in excess of the first ~~ten~~ fifteen thousand dollars of bodily injury
21 and the first ~~ten~~ twenty-five thousand dollars of property damages.

22 * * *

23 §894. Payments sufficient to satisfy requirements

24 A. Judgments herein referred to shall, for the purpose of this Chapter only,
25 be deemed satisfied:

26 (1) When ~~ten~~ fifteen thousand dollars has been credited upon any judgment
27 or judgments rendered in excess of that amount because of bodily injury to or death
28 of one person as the result of any one accident.

29 (2) When, subject to such limit of ~~ten~~ fifteen thousand dollars because of
30 bodily injury to or death of one person, the sum of ~~twenty~~ thirty thousand dollars has

1 been credited upon any judgment, or judgments, rendered in excess of that amount
2 because of bodily injury to or death of two or more persons as the result of any one
3 accident.

4 (3) When ~~ten~~ twenty-five thousand dollars has been credited upon any
5 judgment or judgments rendered in excess of that amount because of injury to or
6 destruction of property of others as a result of any one accident.

7 * * *

8 §900. "Motor Vehicle Liability Policy" defined

9 * * *

10 B. Such owner's policy of liability insurance:

11 * * *

12 (2) Shall insure the person named therein and any other person, as insured,
13 using any such motor vehicle or motor vehicles with the express or implied
14 permission of such named insured against loss from the liability imposed by law for
15 damages arising out of the ownership, maintenance, or use of such motor vehicle or
16 motor vehicles within the United States of America or the Dominion of Canada,
17 subject to limits exclusive of interest and costs with respect to each such motor
18 vehicle as follows:

19 (a) ~~Ten~~ Fifteen thousand dollars because of bodily injury to or death of one
20 person in any one accident, and

21 (b) Subject to said limit for one person, ~~twenty~~ thirty thousand dollars
22 because of bodily injury to or death of two or more persons in any one accident, and

23 (c) ~~Ten~~ Twenty-five thousand dollars because of bodily injury to or
24 destruction of property of others in any one accident.

25 * * *

26 Section 2.(A) The provisions of this Act shall become effective on January 1, 2010,
27 and shall apply to new policies issued on or after January 1, 2010.

1 (B) The provisions of this Act shall not apply to policies already existing on January
2 1, 2010, until the renewal date of such policies.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____