

Louisiana Property and Casualty Insurance Commission
Notice of Meeting and Agenda (Revised)
Thursday, January 17, 2019 at 10:00 A.M.
Department of Insurance—Plaza Hearing Room—Poydras Building

I. Call to Order—Chairman

II. Roll Call—Director

III. Discussions and Presentations

A. Presentation by the Louisiana Insurance Guaranty Association (LIGA) on the association and recent trends in property and casualty insurance claims, including litigation.

B. Discussion of and voting on recommendations for the Annual Report. (The following list of topics is drawn from the 2018 recommendations. Members may propose additions, deletions, or amendments. The public may comment before each vote.)

1. **Uniform Construction Code.** The LPCIC recommends the maintenance and strengthening of the Louisiana State Uniform Construction Code.

2. **Highway Safety.** The LPCIC recommends that the legislature ban the manual use by the operator of a motor vehicle while in motion of all electronic devices not permanently installed in the vehicle.

3. **Civil Justice Reforms.** The LPCIC recommends that the legislature:

a) Reduce the civil jury threshold.

b) Repeal the direct action statute or amend it to limit the instances for naming an insurer as a defendant to those where the insured is unable to be served with process.

c) Modify the collateral source rule to limit the ability of a plaintiff to recover damages for expenses that are not due or payable when there is a write-off pursuant to a healthcare provider agreement with an insurer or other health coverage issuer.

d) Enact a system for future medical care similar to the Future Medical Care Fund as provided in La. R.S. 13:5106(B)(3)(c).

e) Enact a limit on general damages in all personal injury actions of \$500,000 as provided for the state and political subdivisions in La. R.S. 13:5106(B)(3)(c).

f) Amend La. C.C. P. art. 1812(C)(4) to provide for only one written finding of general damages for each plaintiff on a special verdict form.

g) Enact a statutory collateral source rule to limit the ability of a plaintiff to collect in damages the difference between medical expenses actually incurred or paid and “usual and customary” or billed charges for which the plaintiff has no liability.

h) Amend La. R.S. 32:295.1(E) to admit seat belt use as evidence of comparative negligence.

i) Amend La. C.E. art. 411 to prohibit the reference to the name of an insurer or the retention of counsel by the insurer in a civil proceeding involving an insurer that issues a policy to a party to the suit.

j) Amend La. R.S. 32:866(A) to prohibit the recovery of general damages for an owner or operator of a motor vehicle who fails to maintain compulsory liability insurance.

4. **Opioid Abuse.** The LPCIC recommends that the legislature enact a requirement for the use of a closed pharmacy formulary in workers’ compensation claims.

C. **Discussion and voting on study topics for the coming year.** (The following list of topics is drawn from the 2018 study topics. Members may propose additions, deletions, or amendments. The public may comment before each vote.)

1. **Insurance and Technology.** The LPCIC will monitor and study issues related to the effects of technology on the business of insurance and insurance coverage.

2. **Cybersecurity and Insurance.** The LPCIC will continue monitor and study issues related to cybersecurity and insurance.

3. **Highly Automated Vehicles (HAV) and Driverless Vehicles.** The LPCIC will study regulatory and insurance issues that arise with the development of driverless vehicles.

4. **Federal and International Actions Affecting Insurance and Insurance Regulation.** The LPCIC will monitor and study the effects of

federal laws and regulations and international actions on the affordability and availability of property and casualty insurance.

5. Automobile Insurance Market. The LPCIC will study the automobile insurance market to determine solutions to the problems with availability and affordability of private passenger and commercial automobile insurance.

IV. Any Other Matters and Public Comments

V. Dates for Future Meetings—Dates for 2019-2020 meetings to be determined.

All meetings are held in the Plaza Hearing Room, Poydras Building, 1702 N. Third Street, Baton Rouge, Louisiana 70802 (Louisiana Department of Insurance).

VI. Adjournment