

Effective August 1, 2018, Amendments to the Louisiana Insurance Code Will Allow Insurers to Deliver Insurance Coverage Notices Via E-mail

House Bill 370 of the Louisiana Legislature's 2018 Regular Session amends LSA-R.S. 22:2461 through 2469

Insurers have a duty to deliver insurance coverage notices to their insured. For instance, the failure to deliver the insured a copy of the policy within "a reasonable time" prevents an insurer from enforcing its policy exclusions. *La. Maint. Servs., Inc. v. Certain Underwriters at Lloyd's of London*, 616 So. 2d 1250, 1251 (La. 1993); see LSA-R.S. 22:873.

Beginning August 1, 2018, amendments to the Louisiana Insurance Code will allow insurers to discharge their duty to deliver coverage notices including "evidence of insurance" to an insured by (a) securing the insured's consent to electronic transmissions and (b) emailing the insurance documents to the email address designated by the insured or providing access to a login account and emailing notice to the insured that the document is ready for download.

The insured's consent must include the following in clear and legible writing: affirmative authorization to electronic delivery; hardware/software requirements; list of types of documents that will be delivered; right to and procedure for withdrawing consent; and the right to have notice delivered in paper form upon request.

It is important to note that these amendments do not apply to a notice of policy cancellation. Cancellation notices must still be sent via certified mail. House Bill 169, which attempted to reduce the delivery duties with respect to policy cancellations, was vetoed by Governor Edwards with a note to the legislature that "Policyholders ...should be afforded the right to receive actual notice of cancellation."

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