

Table of Contents

CHAPTER 1. INTRODUCTION

- § 1:3 Role of public policy in insurance
- § 1:4 Interpretation of insurance policies
- § 1:5 Reformation, waiver and estoppel

CHAPTER 2. THE LOUISIANA DIRECT ACTION STATUTE

- § 2:2 Historical development of the right of direct action
- § 2:6 Meaning of the phrase “within the terms and limits of the policy”
- § 2:10 Availability in other actions and to other claimants

CHAPTER 3. AUTOMOBILE LIABILITY INSURANCE

- § 3:2 Persons insured
- § 3:3 Relatives and residents—Generally
- § 3:6 Residents and relatives—Children
- § 3:11 Permittees—Initial permission rule
- § 3:13 Permittees—First permittee
- § 3:16 Permittees—Reasonable belief
- § 3:17 Permittees—Rental agreements
- § 3:18 Persons insured—Commercial policies
- § 3:20 Vehicles insured—Described automobile
- § 3:21 Vehicles insured—Temporary substitute automobiles
- § 3:22 Vehicles insured—Newly acquired automobiles
- § 3:23 Vehicles insured—Non-owned automobiles
- § 3:24 Vehicles insured—Commercial policies
- § 3:27 Ownership, maintenance or use—Truck-mounted equipment
- § 3:30 Ownership, maintenance or use—Non-operator use
- § 3:32 Ownership, maintenance or use—Entrustment or supervision
- § 3:33 Ownership, maintenance or use—Towing and similar activities
- § 3:35 Ownership, maintenance or use—Multiple causes
- § 3:37 Intentional injury exclusion
- § 3:38 Employer’s liability exclusion
- § 3:39 Cross-employee exclusion
- § 3:40 Automobile business exclusions
- § 3:41 Exclusions for other business use
- § 3:42 Property damage exclusion
- § 3:43 Exclusions of specified persons
- § 3:44 Other exclusions
- § 3:45 Financial responsibility and compulsory insurance laws
- § 3:46 Primary or excess coverage? *[New]*

CHAPTER 4. UNINSURED MOTORIST COVERAGE

- § 4:3 Mandatory coverage—Insureds
- § 4:4 Mandatory coverage—Policies
- § 4:5 Mandatory coverage—Amount of coverage
- § 4:8 Waiver form promulgated by insurance commissioner
- § 4:9 Authority to execute waiver
- § 4:10 Effect of renewal and policy changes on waiver
- § 4:11 Other waiver issues
- § 4:12 Elements of coverage
- § 4:13 Persons insured—Named insured and relatives
- § 4:14 Persons insured—Occupants of insured automobile
- § 4:15 Persons insured—Other persons
- § 4:18 Uninsured motor vehicle—Exclusion of the insured vehicle
- § 4:19 Uninsured motor vehicle—Other excluded vehicles
- § 4:20 Legally entitled to recover
- § 4:21 Bodily injury damages
- § 4:22 Caused by accident
- § 4:24 Exclusions
- § 4:27 Stacking of multiple coverages—The 1977 anti-stacking provision
- § 4:28 Stacking of multiple coverages—Statutory exception
- § 4:31 Stacking of multiple coverages—Excess and umbrella policies
- § 4:36 Prescription
- § 4:38 Legal interest and costs
- § 4:39 Settlement of UM claims
- § 4:41 Res judicata

CHAPTER 5. PERSONAL LIABILITY COVERAGE

- § 5:2 Persons insured
- § 5:5 Exclusion of intentional injury and related exclusions
- § 5:6 Exclusions of aircraft, automobile, recreational motor vehicle and watercraft
- § 5:7 Exclusions for business pursuits and professional services
- § 5:9 Exclusion for bodily injury to an insured
- § 5:11 Other provisions

CHAPTER 6. COMMERCIAL LIABILITY POLICIES

- § 6:2 Insuring agreement—Basis of coverage
- § 6:3 Insured
- § 6:4 Occurrence—Injury during policy period
- § 6:5 Occurrence—Construction Defects
- § 6:6 Occurrence—Long Tail Injuries
- § 6:7 Occurrence—Accident and intentional injury
- § 6:8 Occurrence—Continuous or repeated exposure to conditions
- § 6:11 Exclusions and related coverages
- § 6:12 Contractual liability coverage or exclusion

TABLE OF CONTENTS

- § 6:13 Automobile and aircraft exclusion
- § 6:15 Pollution exclusion
- § 6:17 Workers' compensation, employer's liability, and cross-employee exclusions
- § 6:21 Work and product exclusions
- § 6:23 Other exclusions
- § 6:24 Professional liability exclusion and coverage
- § 6:25 Claims made coverage
- § 6:26 Personal and advertising injury liability
- § 6:27 Provisions of other liability policies

CHAPTER 7. OTHER CONSIDERATIONS UNDER LIABILITY INSURANCE POLICIES

- § 7:2 Obligation to defend—Generally
- § 7:4 Obligation to defend—Termination of obligation
- § 7:5 Obligation to defend—Primary and excess insurers
- § 7:7 Obligation to defend—Legal representation
- § 7:9 Excess liability—Duty to settle
- § 7:12 Excess liability—Excess insurers
- § 7:15 Cancellation of liability policies—By the insurer
- § 7:16 Cancellation of liability policies—By the insured
- § 7:17 Expiration and nonrenewal of liability policies
- § 7:18 Rescission of liability policies
- § 7:19 Other insurance clauses—Generally
- § 7:23 Limits of liability
- § 7:24 Judicial interest and costs
- § 7:27 Procedure and miscellaneous other issues

CHAPTER 8. LIFE INSURANCE

- § 8:2 Life insurance: the nature of the contract
- § 8:3 Insurable interest
- § 8:6 Change of beneficiary
- § 8:7 Warranties and representations
- § 8:8 Assignment of policy
- § 8:9 Disqualification of beneficiary
- § 8:10 Exclusions for non-accidental death and for death as result of violation of law
- § 8:11 Time limitations on claims and payments
- § 8:13 Community property issues

CHAPTER 9. HEALTH AND ACCIDENT INSURANCE

- § 9:1 Introduction
- § 9:2 Similarities to life insurance
- § 9:8 Representations and warranties; "anti-technical" statutes
- § 9:10 Meaning of disability
- § 9:11 Specific interpretive problems: basic coverage, exclusions, defenses

- § 9:15 Prescription
- § 9:16 Subrogation issues

CHAPTER 10. INSURANCE ON PROPERTY

- § 10:2 Insurable interest
- § 10:6 Transfer of interest
- § 10:8 Estoppel; valued policy law
- § 10:9 Who is the insured?
- § 10:10 What risks are insured?
- § 10:11 Weather—related incidents
- § 10:12 Theft, vandalism and similar incidents
- § 10:14 Exclusions
- § 10:16 Representations, warranties and conditions
- § 10:17 Burden of proof on insurer
- § 10:20 Meaning of increase in physical hazard
- § 10:22 Treatment of divided interests: mortgage and loss payable clauses
- § 10:23 Subrogation—In general
- § 10:25 Waiver of subrogation
- § 10:27 Basis of payment: valued policy law and other problems
- § 10:28 Special fire policy problems
- § 10:30 Arson
- § 10:32 Prescription

CHAPTER 11. PENALTIES AND OTHER EXTRA-CONTRACTUAL DAMAGES

- § 11:1 Louisiana insurance penalty statutes
- § 11:2 La. R.S. 22:1892—In general
- § 11:3 La. R.S. 22:1973—In general
- § 11:5 Satisfactory proof of loss
- § 11:6 Arbitrary, capricious and without probable cause
- § 11:7 Unconditional tender of undisputed amount
- § 11:10 Insurer's misinterpretation of its insurance policy
- § 11:11 Penalties and attorney fees under La. R. S. 22:1892
- § 11:12 Damages and penalties recoverable under § 1973
- § 11:15 Cases considering whether insurer breached a penalty statute
- § 11:16 Other duties of insurers under La. R.S. 22:1892
- § 11:17 Breach of insurer's duties listed in La. R.S. 22:1973(B)
- § 11:19 Life insurance claims
- § 11:20 Health and accident insurance—Statutory provisions
- § 11:21 Health and accident insurance—"Double benefit" penalty
- § 11:22 Health and accident insurance—Awards of penalties and attorney fees
- § 11:25 Other issues under penalty statutes

Table of Laws and Rules

Table of Cases