

# Louisiana Property and Casualty Insurance Commission Full Commission Meeting

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Wednesday, January 23, 2008  
Louisiana Department of Insurance  
Plaza Hearing Room  
1:30 p.m.

## Minutes

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**Commission Members Present:** Bill Newton (representing Commissioner Donelon), Ted Haik, Jody Boudreaux (representing Richard Clements), Sen. Donald Cravins, Jr., Jeff Albright, Phyllis Perron (representing Lorrie Brouse), Mike Barron (representing Col. Champagne), Joseph Deutsch, Steve Hymel, Chuck McMains and Tom O'Neal.

**Commission Members Absent:** Sen. Dan Morrish, Earl Taylor, Aubrey Temple and Karen Winfrey.

**Commission Staff Present:** Terrell Moss, David Evans and Katie Walsh.

**DOI Staff Present:** Clarissa Preston, Joyce Paul, Rachele Carter and Judy Wright.

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Chairman Ted Haik called the meeting to order at 1:45 pm.

Ms. Walsh called the roll. A quorum was present immediately after the initial roll call. Mr. Haik welcomed the Commission members and thanked them for attending in the inclement weather. He announced that the Commission needs to begin working on its legislative recommendations. He welcomed its newest member, Senator Donald Cravins, Jr., chairman of the Senate Committee on Insurance, and announced the appointment of Senator Dan Morrish, also representing the Senate Committee on Insurance. Mr. Haik announced that Mr. Ed O'Brien has been appointed Deputy Commissioner of Property and Casualty at the Department of Insurance (DOI). Mr. Haik also suggested that in order to generate interest and participation both by commission members and citizens of the state, future meetings of the LPCIC may be held in different cities throughout the state.

Mr. Mike Barron, attorney for the Louisiana Highway Safety Commission (LHSC), was introduced, and presented the legislative recommendations proposed by the LHSC. He reminded the Commission members to vote on the recommendations' concepts, not necessarily the language and specifics of the recommendations presented. The following are the recommendations, discussion, and action taken by the Commission members.

- Prohibit cell phone use or use of other wireless communication devices while driving by individuals under 18 years of age. The offense would be punishable by fine or jail time.

In the discussion following Mr. Barron's explanation of the recommendation, it was pointed out that cell phones are rapidly growing as the #1 distraction for drivers. In fact, distracted driving accidents are outnumbering DWI accidents. Similar legislation banning cell phone use has been passed in states such as CA, CT, IL, NE, TX, and VA.

Sen. Cravins moved to pass the recommendation.

Mr. Hymel seconded the motion.

The motion passed without opposition.

- Ban radar detectors or radar "jammers" while operating a motor vehicle on the highway. This offense would be punishable by fine plus court costs.

The Chairman moved to accept this recommendation, which was supported last year by the Commission.

The motion passed without opposition.

- Prohibit individuals under the age of 21 to enter bars and microbreweries. This offense would be punishable by fine, jail time, or both. A discussion followed regarding the establishment's owners' liability.

Mr. Hymel moved to pass the recommendation.

Mr. O'Neal seconded the motion.

The motion passed without opposition.

A motion to amend the recommendation and to include the "knowing language", taking responsibility away from an establishment's owner if he had no knowledge of the underage patron's presence, as well as if all measures had been taken to prevent an underage patron from entering, was added by Sen. Cravins.

Mr. McMains moved to pass the recommendation.

Sen. Cravins seconded the motion.

The amendment passed without opposition.

- Mandate usage of safety belts by all occupants in a vehicle where a safety belt is provided by the manufacturer. Penalties for this offense would be increasing fines and court costs.

A discussion followed. It was suggested that the specifics of the penalties be adjusted.

Mr. McMains moved to pass the recommendation.

Mr. Albright seconded the motion.

The motion passed without opposition.

- Increase the fines for refusing to utilize a safety belt while operating a motor vehicle.

Mr. McMains moved to pass the recommendation.

Mr. Hymel seconded the motion.

The motion passed without opposition, although again, it was asked that the specifics of the fines be further reviewed.

Mr. Newton informed the Commission that the Commissioner's DOI legislative package is currently being finalized, and will be ready for the regular legislative session on March 31<sup>st</sup>. LPCIC is interested in having this legislation presented at a future meeting. Since there were no further recommendations to discuss, Mr. McMains suggested that the LPCIC schedule an interim meeting prior to the regular session so that the Commission members could review the Department's legislation and propose their recommendations. Senator Cravins made a motion to hold the meeting, which was seconded and passed without opposition.

Chairman Haik and the Director of the LPCIC, Ms. Terrell Moss, proposed the idea of forming a sub-committee to discuss the drafting of by-laws and review the make-up of the commission. There are several name changes and updates to the membership that require legislation to enact these changes. The Chairman appointed Senator Cravins, Mr. McMains, and himself to this committee, with no objections. Mr. Haik also suggested expanding the Commission to encourage participation. Several possibilities included the Director of the Consumer Advocacy Division at the DOI, and representation by the top three insurance companies in the state. The Chairman asked the Commission members to email any recommendations or suggestions regarding these changes to Ms. Moss.

Mr. Bill Newton, Chief Deputy at the Department of Insurance, took this opportunity to announce that he would be leaving the Department on January 31<sup>st</sup>. He wanted to thank everyone he had worked with and met during his stay at the DOI.

There being no further business, a motion to adjourn was made by Mr. Haik, and the Louisiana Property and Casualty Insurance Commission adjourned at 2:45 pm.